

UNITED STATES. CONGRESS. HOUSE. COMMITTEE
ON THE JUDICIARY. SUBCOMMITTEE ON

AMATEUR SPORTS ACT OF 1978

ADMINISTRATIVE LAW AND
GOVERNMENTAL RELATIONS,



HEARINGS

BEFORE THE

SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

H.R. 12626 and H.R. 12920

TO PROMOTE AND COORDINATE AMATEUR ATHLETIC ACTIVITY IN THE UNITED STATES, TO RECOGNIZE CERTAIN RIGHTS FOR UNITED STATES AMATEUR ATHLETES, TO PROVIDE FOR THE RESOLUTION OF DISPUTES INVOLVING NATIONAL GOVERNING BODIES, AND FOR OTHER PURPOSES

JUNE 21 AND 22, 1978

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CONTENTS

Page

HEARINGS HELD

June 21, 1978	1
June 22, 1978	173

WITNESSES

Cassell, Olin, executive director, Amateur Athletic Union	82
Conrad, C. Carson, Executive Director, President's Council on Physical Fitness and Sports	23
Prepared statement	29
Darman, Jeff S., president, Road Runners Club of America	121
Prepared statement	94
Davenport, Willie	42
Prepared statement	33
Ferrell, Joe, president, Amateur Athletic Union	82
Prepared statement	90
Fritz, Dr. Harry G., Executive Secretary, National Association of Intercollegiate Athletics	272
Prepared statement	273
Helmick, Robert, International Swimming Federation	210
Holum, Diane, coach, 1976 Olympic speed skating team	39
Prepared statement	34
Kane, Robert, president, U.S. Olympic Committee	190
Prepared statement	191
McEwen, Robert C., a Representative in Congress From the State of New York ..	185
Maggard, David L., director of athletics, University of California at Berkeley ..	57
Prepared statement	57
Metcalfe, Hon. Ralph, a Representative in Congress from the State of Illinois	1
Michel, Hon. Robert H., a Representative in Congress from the State of Illinois	4
Prepared statement	4
Miller, F. Donald, executive director, U.S. Olympic Committee	190
Mineta, Norman Y., a Representative in Congress from the State of California ..	14
Prepared statement	14
Mushier, Carole, president-elect, Association for Intercollegiate Athletics for Women	275
Prepared statement	276
Naber, John	44
Peters, Joseph D., president, Real Sports, Inc.	281
Prepared statement	282
Polivy Margot, counsel, Association for Intercollegiate Athletics for Women ...	275
Scott, Michael, counsel, National Collegiate Athletic Association	57
Stevens, Hon. Ted, a U.S. Senator from the State of Alaska	173
Prepared statement	174
Thomson, Dr. Scott, deputy director, National Association of Secondary School Principals	281
Williams, Edward G., chairman, Athletes Advisory Council	224
Prepared statement	228

25 Jan 79

ADDITIONAL MATERIAL

Hurley, Kenneth, executive secretary/treasurer, American Bowling Congress, prepared statement.....	170
Kemp, Hon. Jack, a Representative in Congress from the State of New York, prepared statement.....	288
List of the national and international governing bodies.....	9
Quayle, Hon. Dan, a Representative in Congress from the State of Indiana, prepared statement.....	32
Text of H.R. 12626	10
Walker, LeRoy T., immediate past president, American Alliance for Health, Physical Education, and Recreation, prepared statement	169

AMATEUR SPORTS ACT OF 1978

WEDNESDAY, JUNE 21, 1978

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 9:30 a.m. in room 2237 of the Rayburn House Office Building, Hon. George E. Danielson (chairman of the subcommittee), presiding.

Present: Representatives Danielson, Mazzoli, Moorhead, and Kindness.

Staff present: William P. Shattuck, counsel; James H. Lauer, Jr., assistant counsel; Alan F. Coffey, Jr., associate counsel; and Florence McGrady, clerk.

Mr. DANIELSON. The hour of 9:30 having arrived, the subcommittee will come to order.

Our business for today is the bill H.R. 12626 and related bills, together with S. 2727, all of which are bills to amend the law to promote and coordinate amateur athletic activity in the United States, to recognize certain rights for the U.S. amateur athletes, to provide for the resolution of disputes involving national governing bodies, and for other purposes.

We are very fortunate this morning to have some outstanding witnesses on this subject, not just being outstanding, but knowing something about amateur athletics as well.

And my list says I should recognize, first of all, the distinguished gentleman from Illinois, Mr. Ralph Metcalfe, an Olympic athletic of great renown.

Mr. Metcalfe, please present your testimony.

TESTIMONY OF HON. RALPH H. METCALFE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. METCALFE. Thank you, Mr. Chairman.

As a former Olympics participant who has maintained his interest in amateur athletics, I welcome this opportunity to testify before this subcommittee in favor of H.R. 12626, the Amateur Sports Act of 1978. I cosponsored this bill.

For over a decade I have been actively involved in efforts to resolve disputes relating to the conduct, development, and protection of amateur athletics. In the sixties, I served as a member of the National Sports Arbitration Board. Other members of that Board were Theodore Kheel, nationally known arbitrator who was Chairman; Archibald Cox, former Solicitor General during the

Kennedy and Johnson administrations and later Special Prosecutor; Thomas Vail, publisher of the Cleveland Plain Dealer; and Gen. David Shoup. The Board was appointed by then Vice President Hubert Humphrey.

In 1975, President Gerald Ford established the President's Commission on Olympic Sports. This Commission was charged with the task of determining the best method to correct those problems which prevent our amateur athletes from realizing their full potential in international competition.

I had the pleasure of serving as a commissioner on the President's Commission on Olympic Sports. Other commissioners included my distinguished House colleagues who are with me today: Congressmen Jack Kemp, Norman Mineta, and Robert Michel; Senators Beall, Culver, Stevens, and Stone; and notables from the sports world, as well.

It was my privilege to work with these individuals. They conducted numerous hearings throughout the country, sought the advice and input of many athletes, and various scholastic and collegiate sports groups, in their attempt to identify the problems and draft solutions to those problems. Their expertise was crucial to the formation of recommendations which are found in the final report.

In a very real sense, this bill is the culmination of the efforts of the President's Commission on Olympic Sports.

In January 1978, the Commission issued its final report highlighting the problems of amateur sports competition and offering solutions to those problems.

The Commission report compared the situation prevailing in amateur sports with the condition this Nation found itself confronting following the Revolutionary War. Historian Carl Van Doren characterized our country as " * * * a loose alliance of separate and quarreling nations * * * bristling with sovereignty or absorbed in their own concern." There is no more apt description of the state of amateur athletics in this country.

Over the years amateur sports has been punctuated by rival jurisdictional quibbling and squabbling among the various sports bodies, a lack of definitive policy and direction, a lack of common purpose, and the lack of a strong, central coordinating body.

These factors have hindered the development of our amateur sports programs and have prevented our athletes from reaching their utmost potential.

I know from personal experience that the essential psychological ingredient of any serious athlete is the drive to excel against the toughest possible competition. An athlete's dedication and sacrifice are made meaningless when these two elements meet with frustration.

Our athletes have been frustrated for decades. This frustration has taken the form of denial of the rights to compete freely in amateur sports competition; frustration as to whom he can turn to for financial assistance other than family, close friends, or the occasional benefactor; frustration as to where he might train and receive quality instruction.

Therefore, it is no small wonder that our athletes' performance in the Olympics has been declining. Given these obstacles, it is a

testament to the resolve and skill of our athletes that they accomplish what they do.

I am a firm believer in the Olympic spirit of friendly competition among athletes of all nations. However, I cannot and do not condone various practices and policies which operate to penalize our athletes, while athletes from other countries often enjoy unlimited support and encouragement from their governments.

I am not suggesting that the U.S. Government should imitate other nations and directly involve itself in the financing and sponsoring of its athletes. What I am suggesting, however, is that our Government should no longer stand passively on the sidelines and permit sports organizations to place their own self-centered interests above those whom they purport to represent.

In addressing this unfortunate state of affairs, the final report of the President's Commission on Olympic Sports made numerous recommendations. A key recommendation was the need to establish a strong, central sports organization with the power to coordinate all amateur sports activities in the United States.

H.R. 12626 incorporates this major recommendation, along with numerous others made by the Commission. This bill would restructure the U.S. Olympic Committee, making it the coordinating body for all amateur sports.

A \$30 million authorization is recommended so that the U.S. Olympic Committee can carry out its mandate; \$12 million of this sum is earmarked for the support of training centers, a sports medicine program, and the dissemination of sports information.

Other important provisions of this bill include: A mechanism for recognition of a particular organization as the official organization for a given sport; and something that is dear to me, the recognition of the rights of athletes and a procedure by which disagreements can be quickly resolved through arbitration.

I have focused a great deal of my testimony on the reasons why our athletes' performance in Olympics competition has been declining. I have emphasized the need for unity of effort and purpose to arrest this trend.

I hasten to point out that this legislation is not designed to help just those who aspire to compete on the international level. This bill should make it easier for all Americans to avail themselves of programs and facilities to pursue their athletic interests.

Furthermore, I am heartened that included among the purposes of this bill is the goal to encourage and provide assistance to women who desire to involve themselves in amateur sports.

While the character of athletics is beginning to change to accommodate the aspirations of women, it is no great secret that women have been discriminated against in terms of programs, funding, and support for quite some time.

As a matter of fact, it has taken the aggressive enforcement of title IX of the Education Amendments of 1972 which prohibits sex discrimination in educational programs receiving Federal funds to improve the status of women in sports.

This bill will complement this trend. Hopefully, the day will come soon when women will enjoy the same sort of encouragement and support that men do in the major sports.

We should be mindful of the fact that the extent to which we ignore or underutilize all our people's talent is the extent to which we deny ourselves the infusion of talent so necessary for the improvement of our record on the international level.

Finally, I note that the Senate has already acted favorably upon this legislation. Soon the 1980 Olympics will be upon us. I ask each of you to keep this in mind when you are considering this legislation.

I strongly urge you to act quickly and favorably upon this bill this session of Congress.

Thank you, Mr. Chairman.

Mr. DANIELSON. Thank you, Mr. Metcalfe.

As you all know, we're constantly racing against the clock here. I am inferring from your statement that you do support the bill as it's presently written—

Mr. METCALFE. Yes.

Mr. DANIELSON [continuing]. And urge its prompt action by the committee, is that correct?

Mr. METCALFE. Yes, Mr. Chairman.

Mr. DANIELSON. Then, we'll go ahead. I want to hear the witnesses who have important obligations, like going into the Committee of the Whole House.

So we'll next recognize the distinguished minority whip, Mr. Michel.

TESTIMONY OF HON. ROBERT H. MICHEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. MICHEL. Thank you very much for the opportunity to testify. I think it's very significant that you should have led off this hearing with the testimony of a distinguished former Olympic participant, Ralph Metcalfe, and then to have those of us who served on the President's Commission to be able to testify initially on behalf of the legislation which we've all cosponsored.

I might say, as an aside, after last night's baseball game in which the Republicans defeated the Democrats, that there have been several Democrats who called the office this morning who wished to sponsor the legislation.

Mr. DANIELSON. I think there's a line forming outside.

Mr. MICHEL. And, Mr. Chairman, I'd ask that the full text of my statement be submitted for the record so that, in the interests of time, we could speed up your proceedings here this morning.

Mr. DANIELSON. Without objection, it is in the record.

[The prepared statement of Hon. Robert H. Michel follows:]

AMATEUR SPORTS ACT—DRAFT TESTIMONY

Mr. Chairman, the Committee today begins two days of hearings on H.R. 12626, the Amateur Sports Act of 1978, a bill to promote and coordinate amateur athletic activity in the United States. I want to take this opportunity to thank the distinguished Chairman and the members of this Committee for their interest in the bill and their willingness to hold these hearings.

I am pleased to be one of the chief sponsors of this legislation, as well as to have served on the President's Commission on Olympic Sports, along with my distinguished colleagues Mr. Kemp, Mr. Metcalfe, and Mr. Mineta. Since the bill's introduction on May 9, 1978, we have been joined in sponsorship by 39 of our colleagues in the House. As you know, an identical measure, S. 2727, has already passed the

Senate. This legislation reflects over three years of careful preparation and is in response to a problem which has been evident for over two decades.

We have seen many amateur sports programs hindered and the development of athletes' skills stymied by the fragmented and disjointed nature of our amateur sports organizations. Lacking any clear policy or direction in amateur sports, conflicts arise among various organizations regarding which group best represents a particular sport or a particular athlete's interests. Because there has been no viable means for settling these disputes, they have contributed to the declining performance by U.S. athletes representing our country in international competition. On occasion these disputes have gone beyond the amateur sports community and have affected all of us.

A good example of the problem is the controversy that surrounded the U.S.A./U.S.S.R. basketball series in 1973. The U.S. governing body for basketball arranged for the competition and selected the athletes to play without consulting other jurisdictions over those athletes. The games were threatened when the rival jurisdictions ordered that the selected athletes could not participate. It took a letter signed by 58 Senators to overturn that decision and let those athletes play. I could relay numerous such examples where organizational squabbles have victimized the individual athlete who has either been denied the opportunity to participate or forced to train and compete under conditions that were less than ideal.

Initiatives to address these problems facing American athletes involved in international competition go as far back as 1961-1962 when President Kennedy asked General MacArthur to arbitrate an active dispute between the AAU and the NCAA in the area of track and field. Though General MacArthur dealt with the track and field problem, he did not deal with the other sports or with the overall organizational problems and thus only a temporary moratorium through the 1974 Olympic Games resulted.

In 1965, the Senate Commerce Committee held hearings—still concerning track and field only—which resulted in the appointment by then Vice President Hubert Humphrey of the Theodore Kheel Arbitration Board. Again the organizational and voting problems were not addressed.

During this same period, the U.S. Olympic Committee contracted with the management consulting firm of Arthur D. Little to conduct a management improvement study of the USOC. While time and budgetary constraints precluded this study from attempting to resolve the organizational and voting control problems, the study stressed their importance.

In June of 1975 President Ford, concerned that we as a nation were falling seriously below our potential to field strong international teams and to guarantee greater athletic opportunities at the grassroots level, established by executive order the President's Commission on Olympic Sports. I had the privilege of participating in this Commission along with my colleagues Mr. Kemp, Mr. Metcalfe, Mr. Mineta, Senators Stevens, Stone, and Culver and a number of other dedicated individuals including former Olympic participants, athletes, coaches, business executives and educators.

The Commission sought to determine the best method by which to correct the jurisdictional problems facing amateur sports, to devise a process to select the best athletes for all international and Olympic competitions and to find ways to develop financial and other resources for amateur sports. In January 1977, after 1½ years of study, the Commission issued its final report recommending a vertical sports structure, utilizing the U.S. Olympic Committee as the coordinating body through which amateur sports organizations could work to be responsive to the needs of this nation's amateur athletes. We made it clear amateur athletics in this country, but asked Congress to legislate our recommendations by amending the 1950 federal charter of the U.S. Olympic Committee.

The Amateur Sports Act of 1978 embodies the Commission's recommendations by expanding the authority of the U.S. Olympic Committee to enable it to serve as a coordinating body for amateur sports. The USOC is granted the power to organize, finance and control the representation of the U.S. in the Olympic and Pan-American games. It is authorized to facilitate the resolution of conflicts or disputes involving amateur athletes, national governing bodies and amateur sports organizations. To assist the USOC in fulfilling its new position, the bill authorizes a one-time expenditure of up to \$18 million. Another \$12 million is authorized for the operation and development of training centers and for a sports medicine program for U.S. athletes.

The second part of the bill sets forth criteria with which sports national governing bodies must comply, and provides for the prompt settlement of disputes between

sports organizations, amateur athletes and national governing bodies through binding arbitration.

Third, H.R. 12626 requires the USOC in its constitution to provide for the protection of an athlete's right to compete. This is the first legislation to recognize the athlete's right to participate in the Olympics and other international competitions.

In summary, H.R. 12626 provides the House an opportunity to bring to an end the jurisdictional disputes and arguments among amateur sports organizations and help reverse the trend of declining performances by U.S. athletes that result from poor organization and lack of adequate training facilities.

The distinguished list of witnesses you have scheduled over the next two days will be able to tell much better than I the problems which exist and the need for this legislation. I believe this is a good bill, and I hope that after hearing all the testimony, this Committee will favorably report the bill for further action.

The President's Commission found that the two major problems confronting amateur sports in America were a lack of organization and a lack of sufficient funding.

H.R. 12626, the Amateur Athletic Act of 1978, improves the conditions of amateur sport organization and funding in the U.S. The sections of the bill dealing with organizational changes for amateur sports are supported by all major sports groups in this country.

Funding of amateur sport by the government is perhaps a more controversial matter to those not closely associated with the funding problem. Therefore, I think it is necessary to develop the rationale for the 30 million dollar authorization contained in H.R. 12626.

BACKGROUND

The President's Commission on Olympic Sports estimated that the need for one-time incremental funding of amateur sports was 215 million dollars. This was the amount needed to accomplish: (a) the immediate goals of more facilities in those sports requiring them; (b) satisfactory administration; (c) a sufficient level of competition at all levels of athlete development; and (d) the opportunity for amateur sports organizations to reach minimal developmental goals. The Commission estimated that the on-going need for incremental funding was 83 million dollars. These funds, the Commission argued, could come from any number of private and public sources and would be utilized to strengthen the U.S. amateur sports system in such a way that participation would be broadened at all levels of development.

THE PROBLEM

American amateur athletes face enormous financial barriers in this country in order to train and compete. These barriers occur at all levels of athletic development, except when an athlete is participating in a sport conducted at the athlete's school or college. Some examples are:

Our speed skaters who did so well at the 1976 Olympic Games in Innsbruck had to each pay \$2,000 of their own money in order to go to Europe to train just prior to the Innsbruck Olympics. At that time, there was but one adequate speed skating facility and it was closed during the preparation time leading to the 1976 Olympics.

Emerging gymnasts who have the potential to become elite must pay \$5-\$6,000 of their own money (or their parents must pay it) in order to obtain the proper coaching, competition and development.

It cost a world-class figure skater like Dorothy Hamill up to \$19,000 per year to prepare for her Innsbruck performance.

Post collegiate athletes like 1976 Olympic long jump champion Arnie Robinson could not train unless his wife supported him. Some world-class athletes have even been on food stamps because they could not hold down a job and train.

These are but a few of the countless examples that demonstrate the need for greater funding of amateur athletics. Any athlete who competes in a sport not conducted in school or college or any athlete who competes post college in any sport has a tough time in American society. How many potential athletes are tuned away from competition due to financial barriers? How many more Sheila Young's could we produce if these barriers were lifted?

While it is the choice of the athlete and the athlete's family to make this sort of sacrifice, the U.S. must realize that if we want to broaden the opportunities for all our youths to participate in organized sport and if we want to win in international competition, then we must remove some of the financial barriers confronting sports development today.

I think we want to achieve both these goals. Broad-based participation contributes to the health of a nation and creates an opportunity for youth to spend time in a productive pursuit. Winning medals in such competitions as the Olympic Games

yields national pride, national prestige and contributes to international understanding because many of these athletes later become ambassador of good will to other countries. Developing broad-based participation and winning medals are thus inextricably intertwined goals.

In addition to the cost directly attributed to athlete development and training, the U.S. also needs funds for: (a) the construction of much needed facilities in some sports; (b) national training centers which will be used by athletes at all skill levels where athletes can receive expert coaching, superior developmental programs, medical advice and counsel; and (c) sports medicine development (while the U.S. is far more advanced in the practice of medicine throughout the world, sports medicine is a relatively new field in the U.S. and we lag behind other countries in some areas of sports medicine development).

Finally, some national sports organizations which are members of the USOC and responsible for the administration and development of some sports in the U.S. are so woefully underfunded that they cannot begin to meet the goals they set out to achieve.

ROLE OF THE FEDERAL GOVERNMENT

Given the aforementioned conditions, it is clear that the U.S. cannot begin to meet the needs of those who wish to participate in amateur athletics without some seed money to get things moving. With seed money, a national governing body can begin to do many of the things it would like to do but cannot at present. These include: (a) raise funds on its own; (b) implement developmental programs; (c) train coaches; (d) alleviate the financial plight of athletes by actively placing athletes in "broken-time" payment jobs either on their own or through the USOC; (e) develop competent officials; and (f) maintain and develop the necessary administrative staff. With seed money, the national training center concept, sports medicine, etc. can begin to be developed.

With unity in U.S. amateur sport now a reality, there is much a fully coordinated sports organization can do. Since the USOC is now to be that coordinating body and since all major amateur sports organizations now belong to the USOC (National Governing Body's and multi-sport organization), then it is reasonable to assume that a significant multiplier effect will take place from the seed money contained in this bill.

The federal government's role in the short run, then, is to provide some seed money on the way to creating an environment where sports organizations can totally subsist on their own.

The President's Commission on Olympic Sports did not recommend this type of funding by the federal government for these purposes. However, the PCOS also recognized the need for a short-term injection of funds. The PCOS did recommend that it was the proper role of government to build sports facilities which the government has done previously (e.g., Bureau of Outdoor Recreation, Department of Interior) and continues to do (e.g., the funds appropriated to construct winter sports facilities at Lake Placid) and to provide mechanisms for funding which require federal sanction (coins, medals, stamps, etc.). Because I see no other way to enable many of the sports organizations to conduct their programs, I believe a one-time only (for this purposes) injection of 30 million will serve the amateur sports organizations and the American people very well.

In the future it is possible that amateur sports organizations may ask for more federal money. But these requests are most likely to come in the form of facility construction bills or proposals requiring federal sanction. These requests are consistent with current federal policy. It is only the proposals requiring federal sanction that will be utilized for the purposes outlined in H.R. 12626.

Finally, one might argue that 30 million dollars can be better spent on unemployment programs, housing programs, etc. That argument can always be made no matter what the government funds, depending on one's perspective and priorities. However, I believe that this 30 million is as well targeted as any of the many other items we spend money for.

Ask one major U.S. corporation told the Commission during its work; "Have the federal government demonstrate some financial support for amateur sports as it does the arts and we will be much more inclined to get involved." The arts, which have notable similarities to amateur sports, have experienced a wellspring of private support as a result of the support the federal government has provided. This fact, coupled with the unprecedented unity in amateur sports today, leads me to conclude that the time has come to say to the USOC and its constituent member organizations: "We like the way you're doing things and we appreciate the unity now characteristic of U.S. amateur sport. Here's some seed money to get more

private money and get the unified show on the road." I am confident that this one-time appropriation of 30 million dollars will have an enormous multiplier effect in the development of programs for all and the ability to obtain additional financial resources from the private sector.

Mr. MICHEL. We've seen many amateur sports programs hindered, and the development of athletes' skills stymied by the fragmented and disjointed nature of our sports organizations. Lacking any clear policy or direction in amateur sports, conflicts arise among various organizations regarding which group best represents a particular sport or a particular athlete's interests.

Because there has been no viable means for settling these disputes, they have contributed to the declining performance by U.S. athletes representing our country in international competition.

And of course, as our colleague, Ralph Metcalfe, has alluded to, over a period of years this controversy has resulted in a number of situations, going back to the Kennedy years forward to the Ford years. But I think we ought to set out in the record a good example of the problem of that controversy.

You recall the problem that surrounded the U.S.A. and U.S.S.R. basketball series back in 1973. The U.S. governing body for basketball arranged for the competition and selected the athletes to play, without consulting other jurisdictions over those athletes.

The games were threatened when the rival jurisdictions ordered that the selected athletes could not participate, and it took a letter signed by 58 Senators to overturn that decision and let those athletes play.

I could relay numerous such examples where organizational squabbles have victimized the individual athlete who has either been denied the opportunity to participate, or forced to train and compete under conditions that were less than ideal.

Now the Commission, as Ralph pointed out, sought to determine really the best method by which to correct this jurisdictional problem facing amateur sports. And in our bill, it embodies the Commission's recommendations by expanding the authority of the U.S. Olympic Committee to enable it to serve as the coordinating body for all amateur sports.

And the USOC is granted the power to organize, finance, and control the representation of the United States in Olympic and Pan American Games. It's authorized to facilitate the resolution of conflicts or disputes involving amateur athletes in the governing bodies, and amateur sports organizations. And, to assist in that fulfilling of that obligation, the bill authorizes this one-time expenditure of \$10 million.

I suspect that when we get to talking about money, this might very well be one of the controversial things we're going to have to deal with in pressing our action on the legislation. And another \$12 million, of course, is authorized for the operation and development of training centers, and for a sports medicine program for U.S. athletes.

I'd like to submit for the record, Mr. Chairman, if I might, a section-by-section analysis of the bill at this point if I might, and then again in the interests of time, if I might simply make one or two other quick observations.

Mr. DANIELSON. First of all, without objection, the documents referred to shall be received into the record.
[The documents referred to follow:]

LIST OF THE NATIONAL AND INTERNATIONAL GOVERNING BODIES

Group A—Appendix—Revised March 1, 1978

Sport	Delegates	Basic votes	National governing body	International governing body
Archery	5	50	National Archery Association (NAA)	International Archery Federation (FITA)
Athletics	10	100	Track & Field Division (AAU)	International Amateur Athletic Federation (IAAF)
Baseball	5	50	U.S. Baseball Federation (USBA)	International Baseball Association (AIBA)
Basketball	5	50	Amateur Basketball Association of the U.S.A. (ABAUSA)	International Amateur Basketball Federation (FIBA)
Biathlon	5	50	U.S. Modern Pentathlon & Biathlon Association (USMPBA)	International Modern Pentathlon & Biathlon Union (UIMPB)
Bobsledding	5	50	Bobsledding Division (AAU)	International Bobsleigh & Tobogganing Federation (FIBT)
Boxing	5	50	Boxing Division (AAU)	International Amateur Boxing Association (AIBA)
Canoeing	5	50	American Canoe Association (ACA)	International Canoeing Federation (FIC)
Cycling	5	50	U.S. Cycling Federation (USCF)	International Federation of Amateur Cyclists (FIAC)
Equestrian	5	50	American Horse Shows Association (AHSA)	International Equestrian Federation (FEI)
Fencing	5	50	Amateur Fencers' League of America (AFLA)	International Fencing Federation (FIE)
Field Hockey	5	50	Field Hockey Association of America (FHAA) (Men's) U.S. Field Hockey Association Inc. (USFHA) (Women's)	International Hockey Federation (FIH) International Federation of Women's Hockey Association (IFWHA)
Figure skating	5	50	U.S. Figure Skating Association (USFSA)	International Skating Union (ISU)
Gymnastics	5	50	U.S. Gymnastics Federation (USGF)	International Gymnastics Federation (FIG)
Ice Hockey	5	50	Amateur Hockey Association of the U.S. (AHAUS)	International Ice Hockey Federation (IIHF)
Judo	5	50	Judo Division (AAU)	International Judo Federation (IJF)
Luge	5	50	Luge Division (AAU)	International Luge Federation (FIL)
Modern pentathlon	5	50	U.S. Modern Pentathlon & Biathlon Association (USMPBA)	International Modern Pentathlon & Biathlon Union (UIMPB)
Roller skating	5	50	U.S. Amateur Confederation of Roller Skating (USACRS)	Federation Internationale de Roller Skating (FIRS)
Rowing	5	50	National Association of Amateur Oarsmen (NAAO)	International Federation Rowing Societies (FISA)
Shooting	5	50	National Rifle Association of America (NRA)	International Shooting Union (UIT)
Skiing	5	50	U.S. Ski Association (USSA)	International Ski Federation (FIS)
Soccer football	5	50	U.S. Soccer Federation (USSF)	International Federation of Association Football (FIFA)
Softball	5	50	Amateur Softball Association of America (ASA)	Federation Internationale de Softball (FIS)
Speed Skating	5	50	U.S. International Skating Association (USISA)	International Skating Union (ISU)
Swimming, diving, water polo	10	100	Swimming Division (AAU)	International Amateur Swimming Federation (FINA)
Team handball	5	50	U.S. Team Handball Federation (USTHF)	International Handball Federation (IHF)
Tennis	5	50	U.S. Tennis Association (USTA)	International Tennis Association (ITA)
Volleyball	5	50	U.S. Volleyball Association (USVBA)	International Volleyball Federation (FIVB)
Weightlifting	5	50	Weightlifting Division (AAU)	International Weightlifting Federation (IWF)
Wrestling	5	50	Wrestling Division (AAU)	International Amateur Wrestling Federation (FILA)
Yachting	5	50	U.S. Yacht Racing Union (USYRU)	International Yacht Racing Union (IYRU)

A BILL To promote and coordinate amateur athletic activity in the United States, to recognize certain rights for U.S. amateur athletes, to provide for the resolution of disputes involving governing bodies, and for other purposes

(By Mr. Michel, Mr. Kemp, Mr. Metcalfe, and Mr. Mineta)

MAY 9, 1978.—Referred to the Committee on the Judiciary

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

Section 1 declares the title of this Act to be the "Amateur Sports Act of 1978".

Section 101. Findings

In section 101, the Congress finds that amateur athletic activity is an important part of American society, providing benefits to both the general public and individual amateur athletes. Furthermore, Congress finds that it is important that the full benefits of amateur sports, both from a domestic and international point of view, are realized through the minimization of organizational conflicts.

Section 102. Purpose

In section 102, Congress declares that it is the purpose of this Act to encourage participation in amateur athletic activities, to expand the authority of the United States Olympic Committee as the coordinating body for amateur athletic activities, to protect the rights of amateur athletes, and to provide a mechanism by which the right to govern a particular sport is awarded to the most representative and capable amateur sports organization.

Section 201. Title Adjustments

Section 201 makes technical changes to the Act entitled "An Act To Incorporate the United States Olympic Association", adopted September 21, 1950 (36 U.S.C. 371 et seq.).

Section 202. Principal Place of Business of the Corporation

Section 202 allows the Corporation (United States Olympic Committee) to maintain its principal offices and national headquarters, and to hold its annual and special meetings, in such place as it determines.

Section 203. Definitions

Section 203 defines the following terms: "amateur athlete", "amateur athletic competition", "amateur sports organization", "Corporation", "international amateur athletic competition", "national governing body", and "sanction".

The term "amateur athlete" is defined as any athlete who meets the eligibility standards established by the national governing body for the sport in which the athlete competes. The term "international amateur athletic competition" is defined as any amateur athletic competition between any athlete or athletes representing the United States and any athlete or athletes representing any foreign country. The term "sanction" is defined as a certificate of approval issued by a national governing body.

Section 204. Objects and Purposes of the Corporation

This section amends section 104 of the 1950 Act by restating the objects and purposes of the Corporation. The Corporation shall coordinate, develop, and establish national goals for amateur athletic activity in the United States and assist organizations and individuals concerned with sports in the development of amateur athletic activity. The Corporation shall provide for the swift resolution of conflicts and disputes involving amateur athletes, national governing bodies, and amateur sports organizations, and protect the opportunity of an amateur athlete, coach, trainer, etc. to participate in amateur athletic competition. Furthermore, the Corporation shall exercise exclusive jurisdiction, either directly or by delegation to the appropriate national governing body, including the selection of athletes to represent the United States, over all matters pertaining to the Olympic and Pan-American Games and to promote and support participation in other international competition. Finally, the Corporation shall encourage and provide assistance to amateur athletic activities for both women and handicapped individuals and support coordination and dissemination of information relating to sports medicine and safety.

Section 205. Powers of the Corporation

This section amends section 105 of the 1950 Act by granting to the Corporation perpetual succession and power to carry out the provision of section 204 of this Act, including, but not limited to, the recognition of eligible amateur sports organizations as national governing bodies for those sports included on the Olympic and Pan-American Games programs. The Corporation is directed to adopt a constitution and bylaws not inconsistent with the laws of the United States and may amend its constitution only if it publishes in its principal publication and the Federal Register the proposed change and gives to all interested persons, at least 30 days' notice after the date of publication, and prior to the adoption of any amendments, an opportunity to submit written data, views, or arguments concerning the amendment.

Section 206. Membership in the Corporation

This section provides that the United States Olympic Committee must provide for reasonable representation on its governing board for active or recently active amateur athletes, national governing bodies, certain amateur organizations, and members of the public who are not associated with any sports organizations.

Section 207. Use of Olympic Designations

This section prohibits any person from falsely or fraudulently representing himself as a member or representative of the Corporation; wearing or displaying the emblem of the Corporation for the purpose of inducing the mistaken belief that such person is connected with the Corporation; or using, for the purpose of trade, the emblem (escutcheon and five interlocking rings), other Olympic trademarks, the words "Olympic", "Olympiad", "Olympian", "Citius Altius Fortius", or any derivation thereof. Any person found performing these acts in violation of the law shall be liable in a civil action for any damages sustained by the Corporation, for the recovery of the costs of such action (including reasonable attorney's fees), and recovery of the profits which the individual may have accrued as a result of such violation. The district courts of the United States shall have original jurisdiction and may grant injunctive relief to the Corporation to prevent a violation or a threatened violation of this section.

Section 208. Annual Report

The Corporation is directed to submit an annual report on its operations, including an accounting of the financial status of the Corporation and a comprehensive description of the activities and accomplishments of the Corporation. Copies of the report shall be made available to interested persons at a reasonable cost.

Section 209. Athletes' Opportunity to Participate

The Corporation is directed, in its constitution and bylaws, to establish and maintain provisions for the swift and equitable resolution of disputes involving the opportunity for an amateur athlete, coach, trainer, manager, administrator, or official to participate in the Olympic Games, the Pan-American Games, world championship competition, or other competitions designated by the Corporation.

Section 210. National Governing Bodies

Section 210 amends the 1950 Act by adding a new section entitled, "Title II—National Governing Bodies". Title II states the requirements for recognition of, the duties and authorities of, and provides mechanisms by which formal complaints may be made against or challenges made to the authority of, national governing bodies.

The Corporation is authorized to recognize as a national governing body for those sports which are included on the program of the Pan-American and Olympic Games an amateur sports organization which files an application and is eligible for such recognition under this title. The Corporation is directed to recognize only one national governing body for each sport for which an application is made and approved. An amateur sports organization is eligible to be recognized as a national governing body provided it, among other things, is incorporated under the laws of any of the several states of the United States or the District of Columbia as a not-for-profit corporation, demonstrates that it independently determines and controls all matters central to the governance of its sport, demonstrates that its membership is determined on a nondiscriminatory basis and that its board of directors provided for reasonable representation of certain amateur sports organizations, provided an equal opportunity to participate in amateur athletic competition to individuals without discrimination on the basis of race, color, religion, age, sex, or national origin, and provides for reasonable representation on its board of directors or other

governing board for certain amateur sports organizations which conduct national programs and ensures that the representation shall reflect the nature, scope, quality and strength of the organization's programs and competitions. On the date of enactment of this title, all existing national governing bodies are given a 2-year period in which to meet the requirement of this subsection.

Title II further states that a national governing body is under duty to develop interest in participation in its sport, minimize conflicts in the scheduling of all practices and competitions, grant to any amateur sports organization or person a sanction either to hold an international amateur athletic competition in the United States or to sponsor United States athletes to compete in international amateur athletic competition held outside the United States, unless it demonstrates by clear and convincing evidence that holding the competition would be detrimental to the best interests of the sport. A national governing body must allow an amateur athlete to compete in any international athletic competition conducted under its auspices, and provide equitable support and encouragement for participation by women and handicapped individuals in its sport.

For the sport which it governs, a national governing body is authorized to represent the United States in the appropriate international sports federation, establish national goals, serve as the coordinating body for amateur athletic activity in the United States, sanction both international amateur athletic competition held in the United States and sponsor international amateur athletic competition held outside the United States, recommend to the Corporation individuals and teams to represent the United States in the Olympic and Pan-American Games, and conduct amateur athletic competition, including national champions and international amateur athletic competition in the United States, with the exception that those amateur sports organizations that conduct "closed" competitions (such as high schools, colleges, the Armed Forces, or similar groups or categories) shall have jurisdiction over such competitions.

The Corporation may review all matters relating to the continued recognition of a national governing body and may take such action as it considers appropriate, including placing conditions upon the continued recognition of the national governing body.

Title II further provides a mechanism by which (1) an individual or other amateur sports organization may seek to compel the national governing body to comply with the duties and authorities as set forth in Title II, or (2) any amateur sports organization may seek to replace an incumbent as the national governing body. With regard to compliance by an incumbent, the Corporation shall establish procedures for the filing and disposition of complaints and shall hold a hearing on the matter if it determines that the organization or individual has exhausted all reasonable remedies within the national governing body. If the Corporation determines that such national governing body is not in compliance, it shall place such national governing body on probation for a specified period of time or revoke the recognition of such national governing body. With regard to replacing an incumbent, the Corporation shall again establish procedures for the filing and disposition of applications and shall conduct a formal hearing to determine the merits of the application. As a result of the formal hearing, the Corporation may (1) uphold the right of a national governing body to continue, (2) revoke the recognition of a national governing body and declare a vacancy, (3) revoke the recognition of the national governing body and recognize the applicant as the national governing body, or (4) decide to place the national governing body on probation.

The right to review by any party aggrieved by a determination of the Corporation shall be to any regional office of the American Arbitration Association and such arbitration shall proceed according to the commercial rules of the Association in effect at the time of the filing of the review. Final decisions of the arbitrators shall be binding upon the involved parties, if such decision is not inconsistent with the constitution and by-laws of the Corporation.

Section 211. Financial Assistance

The Secretary of Commerce is authorized to award grants to the Corporation to assist in the development of amateur athletics in the United States in furtherance of the goals and purposes of this legislation. There is authorized to be appropriated \$30 million as follows: (1) \$18 million to finance the development and operation of programs approved by the Corporation and consistent with the provisions of this Act; and (2) \$12 million to finance feasibility studies to assist in determining appropriate locations for training centers and to finance the administration and operation of such centers, and dissemination of sports information.

Within six months after enactment of this Act, the Secretary shall conduct a study to determine the need for and the most appropriate means of providing

continuing funding for the Corporation's construction and operation of training centers and sports research facilities.

Finally, not more than 20 percent of the funds available under this section may be provided to organizations which are not members of the Corporation.

Section 212. Transfer of Property

The Administrator of General Services is authorized to transfer excess real property to the United States Olympic Committee without compensation and such property is to be administered in the furtherance of amateur athletic activities.

Mr. MICHEL. I thank the chairman.

The AAU has, subsequent to passage of the bill in the Senate, raised several questions with respect to national teams. And I know that Governor DeSalle, who represents the AAU as counsel, is here in the committee room, and Mr. Joe Farrell, who is going to be testifying, I believe.

I just want to make sure, for the record, that those folks understand that at least this member—and I suspect the other members who will be testifying—are most anxious to work with them to make sure that any fears they have are allayed.

But with respect to that, the AAU's concern about the bill being only confined to "national teams," the national governing bodies will have jurisdiction over all international competition as defined in other sections of the bill.

And we have a problem, I think, and you'll find as a committee in interrogating the witnesses, that there may very well be a problem in definitions.

Now for example, Henry Wagwa, A Kenyan runner from Washington State, is a world record holder in the 3,000, 5,000, and 10,000 meter steeple chase. If we broaden the definition of "international competition," when Washington plays Washington State, you know, we've got to ask the question: As a Kenyan, would he be considered an international competitor or not?

That is a problem we've got to have resolved, either by legislative history, or to clear in report language when the bill is reported.

Addressing myself, if I might, very quickly to the money aspect of this bill, you know our commission estimated that the need for one-time incremental funding of amateur sports was something like \$215 million. We weren't giving any thought at all to this coming from public sources, obviously. We're talking about the whole gamut of amateur athletics in this country and the commission estimated that the ongoing need for incremental funding was something like \$83 million.

These could come from a number of sources: private, public, and so forth. Now you're going to be hearing from some witnesses that can very well point out to you the problem in funding, or these financial barriers that really confront our amateur athletes, those who we're counting upon to represent this country but for whom their own family resources are being stripped to a considerable degree simply for the privilege of participating.

I just happen to think that we've got an obligation, as the Government, in having these young people represent us to do something by way of providing training centers, or some assistance—not full, but part-time—this off-duty, when they're working and employed.

I think we've got a different attitude among employers today than we would have had 20 years ago; that they recognize that some consideration has gotten to be given to these athletes.

So I know the committee is very strapped for time, and I don't want to prolong the point here at this juncture, other than to make those additional comments.

Mr. Chairman, I am happy to yield to our other colleagues, Mr. Mineta, or, if the committee has questions, I'd be happy to respond.

Mr. DANIELSON. Thank you, Mr. Michel. And in case I overlooked something, your documents will appear in the record. They are admitted into the record.

Norman Mineta, it's going to be good to hear from California after two presentations from Illinois. So, Norm, you tell us what you have to say.

TESTIMONY OF HON. NORMAN Y. MINETA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. MINETA. Mr. Chairman and members of the committee: Along with my three colleagues, I want to thank you for holding these hearings on the Amateur Sports Act of 1978. I believe that our rapid and favorable action on this bill will contribute immeasurably to the health and vitality of amateur sports in this country.

Before I continue my statement, I would first like to express my gratitude to Senator Ted Stevens, of Alaska, for the tireless effort he has put into this bill. As you will quickly discover, dealing with the diverse interests of the amateur sports community can be a time-consuming, sometimes frustrating task. Senator Stevens has done a remarkable job in carrying on the work of the President's Commission on Olympic sports.

As my colleagues have explained, the Amateur Sports Act is the outgrowth of the President's Commission on Olympic Sports, of which all four of us were members.

Congressman Metcalfe and Congressman Michel have outlined the history of the commission and the major provisions of the bill. Thus, in the interest of conserving the committee's time, I would just like to make five brief points.

First, it should be made clear that the Amateur Sports Act is in no way a Federal takeover of amateur sports. Indeed, the bill seeks to give amateur sports the ability to solve its own problems, to pull itself up by its own bootstraps.

The bill maintains and reaffirms the important principle of the Federal Government's noninterference in amateur athletics by expanding the existing authority of the U.S. Olympic Committee to serve as the coordinating body for amateur sports. Further, it retains existing laws that prohibit political involvement in the U.S. Olympic Committee.

The second point I would like to make is that H.R. 12626 seeks to redress many of the problems of amateur sports in this country by calling for a loose organization of autonomous, vertically structured national governing bodies.

Many of the difficulties that currently confront amateur sports are a result of the rapid growth in sports in this country and the differing development that each sport has undergone. As sports

organizations have developed, their differing interests—along with unclear jurisdictional divisions—have generated struggles for power.

As a member of the President's Commission on Olympic Sports, I participated in public hearings, meetings with representatives from individual sports, and thousands of interviews with athletes, administrators, coaches, and officials.

We found that the organizations responsible for administering the various amateur sports lack a common purpose and an effective system of coordination. In recent years, despite the good intentions of the groups involved, disputes and squabbles have wasted time and athletes' talents and threatened the athlete's right to compete in important competition.

In our final report, we concluded that amateur sports should be governed with a loose vertical structure of individual sports organizations. The final report of the President's commission stated:

Autonomy for each sport is the intent of the Commission, based on the premise that wrestlers can best decide what is good for wrestling, track and field participants for track and field.

In order to implement such an organizational structure, the Amateur Sports Act provides a procedure for the recognition by the U.S. Olympic Committee of an amateur sports organization as the national governing body in a particular sport.

Criteria which an applicant must meet in order to be recognized as the national governing body are enumerated, including procedures for prompt and equitable resolution of members' grievances.

Obligations of the national governing bodies are set forth which are designed to promote interest and participation in their respective sports and to insure that the requests of athletes to participate in legitimate international competition are honored.

The third point I would like to bring to the committee's attention is the intent in the bill to expand opportunities for sports participation by athletes with physical or mental handicaps. In the final report of the commission, we pointed out that sports programs for these athletes make an important contribution to their physical well-being and their desire to share meaningfully in the full range of life's activities.

Most Americans are unaware of the needs of the handicapped in sports. This bill contains two sections directly relevant to handicapped athletes.

The fourth area of concern I would bring before the committee is the so-called provisions for athletes' rights. This bill is intended to be a clear statement of the right of athletes to compete in events of their choice without undue interference from sports organizations or other institutions.

However, I recognize, as did the President's Commission on Olympic Sports, that a proper balance must be struck between the rights of athletes and the legitimate needs of educational institutions and athletic groups to protect academic responsibilities and regular sports programs.

An earlier version of this bill introduced in the Senate contained a substantive provision on athletes' rights. This provision met with the objection of some sports organizations. Ultimately, a compromise was reached which would place certain substantive provisions

on athletes' rights in the U.S. Olympic Committee Constitution rather than in Federal statute.

While many of us might desire stronger athletes' rights provisions in this bill, it must be recognized that this bill is still a monumental step forward. For the first time, the right of an athlete to compete is being recognized in legislation.

Finally, let me turn to the issue of financing.

The President's Commission report concluded that Congress should provide funds for amateur athletics if the United States is to attain broad-based participation in amateur sports.

The one-time \$30 million authorization recommended in this bill compares to the Commission recommendation of almost \$80 million. However, I am confident that if the authorization included in this bill is able to accomplish the reorganization of amateur sports that it envisions, private funds will be supplied by individuals and corporations who were previously unwilling to contribute because of the chaotic state of amateur sports.

The Amateur Sports Act seeks to remove some of the organizational difficulties in amateur sports that have prevented broad and equitable participation in sports. Anyone familiar with amateur sports in this country knows that this bill is long overdue.

The amateur sports community today exists in what could only be described as "medieval anarchy."

Mr. Chairman, in concluding this statement, I would like to quote from Baron Pierre de Coubertin, founder of the modern Olympic games:

The most important thing (in the Olympic games) is not to win but to take part, just as the most important thing in life is not the triumph but the struggle. The essential thing is not to have conquered but to have fought well.

Mr. Chairman, I would strongly recommend rapid and favorable action on this bill.

Mr. DANIELSON. Mr. Mineta, are you familiar with the bill that's presently drafted?

Mr. MINETA. Yes, sir, I am.

Mr. DANIELSON. Do you have any objections or criticisms for the content of the bill as presently drafted?

Mr. MINETA. No, Mr. Chairman. This is a result of compromises. Mr. Michel has mentioned one—one area of concern that has been raised—but after looking at the bill, and after trying to recall all the testimony we have, I think that this is really where we ought to be moving forward.

Mr. DANIELSON. Thank you.

I'll yield first to my distinguished friend from California, Mr. Moorhead, for questioning.

Why don't you just question at random.

Mr. MOORHEAD. I'll let anyone answer these questions.

I guess the main question that I have relates to the funding. Each one of you have spoken of the \$30 million as a one-time expenditure. And yet in section 211(e) of the Senate bill and in the Commission's report, it indicates not only that they need money to start with, but they're going to need money on a continuing basis through the years.

Are we actually talking about a one-time appropriation that will not be followed by other money? Or are we talking about another

Federal program that will need money each and every year from now on?

Mr. MICHEL. I'll be happy to respond initially, and I think you know my reputation from the last 20 years of our appropriations. I look very askance at these new authorized programs, and particularly those that purport to be a one-shot proposition.

I'm saying the only reason I'm here asking for that which we're calling for in this bill is that I'm firmly convinced that we can get this job done with a one-shot proposition; that, like so many valid programs, a little seed money initially can do great things.

And given those instances that I'll submit for the record, of the kind of financial hardships that are thrust upon our young athletes in this country as representatives of this Government, particularly in international competition, I think that there's doggoned good reason for some seed money that a national governing body could then begin to develop such things as raising funds on their own, complementing developmental programs, training programs to alleviate the financial plight of our athletes by actively placing athletes.

And that term I was grasping for a moment ago was "broken time." That's a term that was used during the course of our Commission's hearings. In other words, your athlete employed by a firm, but obviously as we get right up to the Olympic needs, he needs more than just his 2 weeks vacation time off to be able to participate.

We're talking about a "broken time" concept where frankly the athlete would be on leave from his employer to attend the training center and that costs money. And while we have several that could very well be initially established former Olympic sites in this country like we have on the west coast, in Colorado, now Lake Placid, where we're going to have a big infusion of Federal money for the winter Olympics, why not broaden our facilities for a training center ongoing, and maybe get one in the Midwest that would have to be established, but this is what you're talking about.

And I think it is very well justified.

Mr. MOORHEAD. Canada raised most of their money by commemorative Olympic coins and by a high-cost stamp program. I wonder whether that—

Mr. MICHEL. We discovered all kinds of things, even to the extent of whether or not it was feasible, for example, to have a tax on a professional ticket, whether it was football, baseball, or whatnot, you know, as a means of—and I think we concluded there that the professional operators would simply use that as a mechanism for which, if we were to get a nickel, that they'd raise their tickets a buck.

And that was kind of discarded, but there are all kinds of avenues which we explored and which can be found in the course of those hearings.

Mr. MINETA. I think it's important to recognize that the true balance in the bill here is trying to deal with the chaotic state of sports because of the unwillingness of individuals and corporations to give.

And so I think we've dealt with that in this bill. Now the importance of the seed money is twofold. One is because of the

administration and development of sports that's required; and second, the two areas that we need help in. One is in terms of training centers, and the other is in the area of the medical funds or the maintenance of the sports medicine retrieval system.

And it's important. That's why we've come to a bottom-line figure of \$30 million in this bill—\$18 million for administration and development of sports itself; and \$12 million to develop training centers and the sports medicine retrieval system.

As an example, Diane Hollom, a speed skater from Madison, Wis., now the closest place for her to be able to go to for a speed skating rink was Milwaukee, Wis. Now we have in our St. Claire County, the international swim center, and there is one of the few places, again, where you have a 10 meter board for diving. Now people have to travel a great deal of distance to get to these kinds of facilities.

So we have that, and I feel very strongly that this \$30 million is a bottom-line figure, and it's a one-time kind of an authorization. And we feel strongly about that.

As Mr. Michel pointed out, some of the discussion that went on in the Commission—

Mr. MOORHEAD. Is an amount of that \$30 million going to be spent actually building those facilities? Or just looking around?

Mr. MINETA. There's a gross sum of \$12 million for the development of training centers, and the maintenance of a sports medicine retrieval system.

Mr. MOORHEAD. Will that do any real building? Or is it just a concept?

Mr. MINETA. No; I think one of the things that you'll find, for instance, is that you have certain kinds of groupings of facilities. For instance, again in St. Claire County, we not only have the International Swim Center, but we have a college, Foothill, that has a 10-meter board.

Then there are other places that are devoid. I was trying to recall the diver from the South—I think it was in the last Olympics—who had to travel something like 70 miles to just get to a high board.

And again, what we'd like to do here is to take that \$12 million or greater portion of that \$12 million for the construction of these training centers.

Mr. MOORHEAD. With that kind of money, you surely won't be able to build top-notch facilities within 70 miles of everyone in the country.

Mr. MINETA. That's not the intent at all, because there's already a network that's built in. The question is: There's a contribution of some of those facilities where people might want to participate in the various sports.

Mr. MICHEL. And I think it would be a modifying of current existing facilities, as I suggested, because we know how expensive it is to build a brandnew complex that would meet Olympic specifications.

So what we're really talking about is supplementing, in my judgment, some existing facilities, modifying them to the degree that they can then be called first-class training centers for international competitors. And admittedly, of course, not every State can

have one. Every region of the country conceivably could not. But you're talking about eventually moving up the elite in our athletes to the best training center, but that's not to disregard the importance, then, in the other part of the program of developing amateur sports from the grassroots on up, to develop that kind of reservoir from which we can pick the best individual for international competition.

Mr. MOORHEAD. There are many of the colleges that would love to rent their facilities during the summer for amateur athletics.

Mr. MICHEL. There's some avenues that can very well be explored.

Mr. METCALFE. I don't think that's the problem, Mr. Moorhead.

I'd like to go back to what Congressman Mineta said, because I happen to have been privileged to be at the dedication of this ice skating facility in Wisconsin. And I had hopes, at that time—some 10, 15 years ago—that other communities would develop a similar sports arena for ice skating events.

Now we may be able to do what they did in West Alice. We can stipulate that in other areas, because if you keep in mind we're just using this as an example, if you keep in mind that our athletes who made the skating team all came from around the community of Milwaukee, Wis., and therefore those far removed from there had no facility because they could not afford to move there or to be able to be transported back and forth—I know one of the young ladies who was of a tender age, and her mother had to accompany her.

She lived in one of the suburbs of Chicago, but she made that trip every day in order to train. That's the very reason we don't have outstanding athletes in some of these places. There would be a mechanism for us to be able to develop other facilities, and then to get training for the individuals.

You must understand, of course, that you cannot practice skating—like you can't practice distance running—on a regular track. It's got to be a 400-meter track so they can time themselves and pace themselves.

Mr. MOORHEAD. Thank you. I'm going to release my time back to the Chairman, because the bells have rung and he needs some time before we have to go vote.

Mr. DANIELSON. I thank you. I only need 1 or 2 more minutes.

You have two figures of \$18 and \$12 million. How did you arrive at those figures?

Mr. MICHEL. Well, it was a distillation—as alluded to several times before. When we got to talking about these larger figures to which I had originally alluded, it was just impractical to think that we were going to arrive at that kind of figure and get favorable action by the Congress.

I think, when they've talked in terms of—when I mentioned modifying a training center, we are talking in terms of a couple million dollars, or \$2½ million multiplied by 4 or 5 times. So admittedly, there is always a weakness somewhat when you're just groping and grasping.

And I know, through my long experience in the Appropriations Committee, that that's the key question: How did you arrive at the figure? And is it a good and valid one?

Mr. DANIELSON. I assume you have a pro forma table, so we have a general idea about this?

Mr. MICHEL. We haven't gotten down to that fine an item, but much of this would have to do with what you're talking about.

The other \$18 million would have to do with training of officials and administration when we're talking about these governing boards.

But that's got to be a one-shot proposition, just to get them started and to be wedded to the concept. And after that, it's a question of their having dreamed up their own mechanisms for funding themselves.

Mr. DANIELSON. What types of organizations would own these athletic facilities which you say should be updated, such as the 10-meter board or something like that, or 400-meter track, and so on?

Do they belong to universities? To cities? Who owns them?

Mr. MICHEL. Well, the one I'm thinking about, one of our training centers now out in Colorado Springs, for example, is in conjunction with the Air Force Academy. And wherever there would be a possibility for public ownership or a combination, I think that would be acceptable.

But obviously, these Olympic—former Olympic sites where we do have Federal money, I'm not altogether sure how those are administered over the 4-year period between competitions.

Mr. DANIELSON. It might be a way to utilize revenue sharing, perhaps, more sharply focused.

Mr. METCALFE. I think there could be a number of sources, as you indicated, Mr. Chairman. It may be a municipality or it may be an organization like Lions Club in West Ellis, I mean, who built the stadium and are maintaining the ice skating rink there.

So, what we're trying to do is encourage our need for training facilities for our developing athletes in the sports in which we do not excel.

Mr. DANIELSON. I have only one remaining question, because we have a key vote on a rule.

Tell me if I'm right or wrong. I've always considered, perceived amateur athletics as being sort of the training ground for professional athletics. I realize all amateurs do not become pros, but very few pros were not amateurs.

Am I basically right on that perception?

Mr. METCALFE. I think you are, Mr. Chairman.

Mr. DANIELSON. Have you considered that inasmuch as professional sports, athletics, is a profitable activity, that perhaps those organizations could divert a reasonable portion of their earnings into this athletic fund? That's where they get their raw material.

Mr. MICHEL. As I mentioned earlier, Mr. Chairman, we explored that on the Commission, and I—

Mr. DANIELSON. You were too modest. You suggested that we get 5 cents off of every ticket.

Mr. MICHEL. About 25 cents or whatnot.

Mr. DANIELSON. Why don't you just raise it a dollar, and that way it's even money and they don't have the extra change to put in the kitty, so if the ticket would be \$5 instead of \$4, we'd get a dollar off of each one for the kitty. If you make it \$4.25, sure, they're going to go up to \$5.

Mr. MICHEL. That would be something for the——

Mr. DANIELSON. To me, it would be very sportsmanlike.

Mr. MINETA. It really sounds great to be able to do that, because the training ground, essentially, for the professional athletic corps comes from the collegiate ranks or amateur sports.

But the problem is you're already up to \$13, \$14 for tickets, at best, as it is, and there's an elasticity in terms of what happens in putting that kind of tax on.

Mr. MICHEL. Our big problem there, too, Mr. Chairman, what are the sports that are professionalized in this country? Principally, football, basketball, hockey. And here, we're talking about the vast array——

Mr. DANIELSON. May I ask this question: Did you consider that?

Mr. MICHEL. Yes.

Mr. DANIELSON. And you came to a negative conclusion?

Mr. MICHEL. Yes.

Mr. DANIELSON. Thank you.

We have an important vote.

Mr. MINETA. Can I ask the committee's consent that my statement is made a part of the record?

Mr. DANIELSON. Without objection, it is received.

[The prepared statement of Hon. Norman Y. Mineta follows:]

STATEMENT BY HON. NORMAN Y. MINETA IN SUPPORT OF H.R. 12626, THE
AMATEUR SPORTS ACT

Mr. Chairman and members of the committee, along with my three colleagues, I want to thank you for holding these hearings on the Amateur Sports Act of 1978. I believe that your rapid and favorable action on this bill will contribute immeasurably to the health and vitality of amateur sports in this country.

Before I continue my statement, I would first like to express my gratitude to Senator Ted Stevens of Alaska for the tireless effort he has put into this bill. As you will quickly discover, dealing with the diverse interests of the amateur sports community can be a time-consuming, sometimes frustrating task. Senator Stevens has done a remarkable job in carrying on the work of the President's Commission on Olympic Sports.

As my colleagues have explained, the Amateur Sports Act is the outgrowth of the President's Commission on Olympic Sports, of which all four of us were members. Congressman Metcalfe and Congressman Michel have outlined the history of the Commission and the major provisions of the bill. Thus, in the interest of conserving the committee's time, I would just like to make five brief points.

First, it should be made clear that the Amateur Sports Act is in no way a Federal takeover of amateur sports. Indeed, the bill seeks to give amateur sports the ability to solve its own problems, to pull itself up by its own bootstraps.

The bill maintains and reaffirms the important principle of the Federal Government's noninterference in amateur athletics by expanding the existing authority of the U.S. Olympic Committee to serve as the coordinating body for amateur sports. Further, it retains existing laws that prohibit political involvement in the U.S. Olympic Committee.

The second point I would like to make is that H.R. 12626, seeks to redress many of the problems of amateur sports in this country by calling for a loose organization of autonomous, vertically structured national governing bodies.

Many of the difficulties that currently confront amateur sports are a result of the rapid growth in sports in this country and the differing development that each sport has undergone. As sports organizations have developed, their differing interests, along with unclear jurisdictional divisions have generated struggles for power.

As a member of the President's Commission on Olympic Sports, I participated in public hearings, meetings with representatives from individual sports, and thousands of interviews with athletes, administrators, coaches and officials. We found that the organizations responsible for administering the various amateur sports lack a common purpose and an effective system of coordination. In recent years, despite the good intentions of the groups involved, disputes and squabbles have wasted time

and athletes', talents and threatened the athlete's right to compete in important competition. In our final report we concluded that amateur sports should be governed with a loose vertical structure of individual sports organizations. The Final Report of the President's Commission stated: "Autonomy for each sport is the intent of the Commission, based on the premise that wrestlers can best decide what is good for wrestling, track and field participants for track and field."

In order to implement such an organizational structure, the Amateur Sport Act provides a procedure for the recognition by the U.S. Olympic Committee of an amateur sport organization as the national governing body in a particular sport. Criteria which an applicant must meet in order to be recognized as the national governing body are enumerated, including procedures for prompt and equitable resolution of members' grievances. Obligations of the national governing bodies are set forth which are designed to promote interest and participation in their respective sports and to insure that the requests of athletes to participate in legitimate international competition are honored.

The third point I would like to bring to the committee's attention is the intent in the bill to expand opportunities for sports participation by athletes with physical or mental handicaps. In the Final Report of the Commission we pointed out that sports programs for these athletes make an important contribution to their physical well-being and their desire to share meaningfully in the full range of life's activities.

Most Americans are unaware of the needs of the handicapped in sports. This bill contains two sections directly relevant to handicapped athletes.

The fourth area of concern I would bring before the committee is the so-called provisions for athletes' rights.

This bill is intended to be a clear statement of the right of athletes to compete in events of their choice without undue interference from sports organizations of other institutions.

However, I recognize, as did the President's Commission on Olympic Sports, that a proper balance must be struck between the rights of athletes and the legitimate needs of educational institutions and athletic groups to protect academic responsibilities and regular sports programs.

An earlier version of this bill introduced in the Senate contained a substantive provision on athletes' rights. This provision met with the objection of some sports organizations. Ultimately, a compromise was reached which would place certain substantive provisions on athletes rights in the USOC Constitution rather than in Federal statute.

While many of us might desire stronger athletes rights provisions in this bill, it must be recognized that this bill is still a monumental step forward. For the first time, the right of an athlete to compete is being recognized in legislation.

Finally, let me turn to the issue of financing.

The President's Commission report concluded that Congress should provide funds for amateur athletics if the United States is to attain broad-based participation in amateur sports. The one-time \$30 million authorization recommended in this bill compares to the Commission recommendation of almost \$80 million. However, I am confident that if the authorization included in this bill is able to accomplish the reorganization of amateur sports that it envisions, private funds will be supplied by individuals and corporations who were previously unwilling to contribute because of the chaotic state of amateur sports.

Mr. Chairman, in concluding this statement I would like to quote from Baron Pierre de Coubertin, founder of the modern Olympic games: "The most important thing (in the Olympic Games) is not to win but to take part, just as the most important thing in life is not the triumph but the struggle. The essential thing is not to have conquered but to have fought well."

Thank you.

Mr. DANIELSON. The committee is recessed, to perform our civic duty.

[Brief recess is taken.]

Mr. DANIELSON. The subcommittee will again come to order. Our next witness will be Mr. Carson Conrad, executive director of the President's Council on Physical Fitness.

Mr. Conrad.

**TESTIMONY OF CARSON CONRAD, EXECUTIVE DIRECTOR,
PRESIDENT'S COUNCIL ON PHYSICAL FITNESS**

Mr. CONRAD. Thank you, Mr. Chairman.

Even despite time, I must go back to an instance I shall never forget. I am sorry that Mr. Moorhead has left, because I had before me two of our heroes in the California Legislature, when I thought back about the days when we used to have to fight every year to maintain the physical education requirement in California.

And one was Mr. Danielson and one was Mr. Moorhead, at that time.

Mr. DANIELSON. You're a great fighter. You overcame our in-dominatable opposition.

Mr. CONRAD. You were in our corner, and we liked it, and I acknowledge that.

Well, to the matter at hand. I hope you'll pardon that aside, but would you relate that to Mr. Moorhead?

Mr. DANIELSON. I will, and hopefully I'll see him again. He's straddled with two committees at the same time today.

Mr. CONRAD. I'm here to discuss the administration's views on this bill, and I'd like to begin by pointing out that the goals and objectives of the bill are in harmony with the goals and objectives of the President's Council as set forth in its Executive order.

You'll note the five items, if you refer to the paper which was submitted, which indicate the extent to which the President's Council on Physical Fitness in Sports is involved in a national program, including research in sports performance, State and local governments enhancing sports participation, and the stimulation of Federal services and programs relating to sports participation.

Now, the Council has a responsibility beyond that, but I was asked to testify because it is the Federal agency which is concerned with amateur sports, and it is the agency which seeks to develop a broad-based sports program for all segments of society, young and old, male and female, athletically gifted and physically handicapped.

And as was brought out so well by several of the Congressmen that testified earlier, the broader the base, the larger the pool of skilled athletes, and the national governing bodies will select candidates to represent our country in the international competition.

We view ourselves as a party for purposes of sports development. We view ourselves as a complementary agency and not as a competitor, and we take pride in the fact that we have, through the support of private industry, projects to the extent of Olympic developments in 21 different Olympic sports during the past 7 years.

The thinking that so many of us are pleased is coming around to an international realization now is that the scientific studies have established beyond a doubt that appropriate physical activity enhances both health and the very quality of life itself.

So, I think as we discuss this matter of mass sports for all and the elite program that we are considering as a byproduct, the improvement of the dynamic health of our people—and this saves us a great deal of money; if you can keep people healthy and keep them out of trouble, you're going to have a great deal less in escalating health care costs which we're all alarmed about.

I mentioned in here the fact that six governments in Europe have established sports for all charters and that UNESCO has done similarly. And we think this is important because this is the first time that the Congress has come to grips with an implication or an actual demonstrated position that they believe in a mass sports-for-all program.

And we do mention on page 3 that the gradual decline of American achievement in Olympic and international competition has been apparent to all and, indeed, has caused us considerable anguish.

But I think it's rarely brought out—and should be—that this decline has not been due to a decline in quality of American performances, but largely due to the fact that other countries have been closing the gap by developing well-financed, scientifically oriented sports programs.

It also has something to do with the fact that many of our best athletes are in non-Olympic sports, such as baseball and football, and that many of those who excel in Olympic sports are lured into professional sports.

It's been said that our best sprinters may very well be our quarterbacks in pro football that never compete in Olympic track.

I don't seek to make excuses or apologize for the American system. It has served us well. I like the way we work in this country. I wouldn't exchange that for what we might have in the way of sports control in East Germany.

So, I'm confident that our system has worked, and with the help that you're giving on this bill, if it moves, I am confident that we could make this system work again.

Contrary to the position that some have taken, I think it's important for you to know that we have more swimming pools than the rest of the world combined. We have more stadiums, tracks, and gymnasiums. And all that's missing from the picture is a national commitment to succeed in the Olympic games and the organizational framework that would allow us to fulfill such a commitment.

The adoption of the major proposals of H.R. 12626 would go a long way toward supplying those missing pieces. It would, I believe, not only result in stronger national sports teams, but also improve opportunities for all Americans to participate in sports.

I've talked a little bit about the history and role that we played in bringing about the Presidential Commission on Olympic Sports, which we commend so highly for its excellent report. We want to commend the U.S. Olympic Committee for moving so promptly and aggressively already on several of the report's recommendations.

Now, all true sports enthusiasts in this country owe a debt of gratitude to Senators Stevens, Culver, and Stone, and to Congressmen Kemp, Mineta, Michel, and Metcalf. Their commitment to a strong U.S. Olympic program and the excellent work that they have done toward that goal are most reassuring to those of us who are concerned about the problem.

Now, returning to the matter before us today, the administration has serious concerns about the financial assistance provisions of the bill. Financing ongoing programs of the U.S. Olympic Committee would establish a very unfortunate precedent. The administra-

tion strongly believes that the Federal Government should not attempt to direct amateur athletics in the country and that amateur athletics should be financed through the private sector.

If it is the decision of this committee to provide a direct appropriation on a one-time basis, finance the immediate restructuring of amateur athletics in the USA, we believe the \$18 million funding proposed for that purpose would not be viewed as a precedent.

But the proposal to appropriate \$12 million to finance the feasibility studies and the other aspects of that expenditure is, in the administration's view, undesirable and unnecessary.

The selection of location of appropriate training centers would be a task of the U.S. Olympic Committee which could be provided through the aforementioned \$18 million appropriation. The financing of the administration and operation of training centers, as well as the information retrieval service, are expenses which should be provided in the private sector. The support for such ongoing expenses should be provided by funds raised through the extensive report.

And incidentally, this report is the finest thing we've ever had done in sports in this country. And one section of it is particularly valuable, and that's the section on finance. The President's Commission on Olympic Sports Report on Finance.

And as I sat with that group, which represented the highest level of expertise in American industry, American business, and once they go to work on this thing, the way the Olympic committee has it in line, we think we're going to have a very fine program of financing through the private sector.

Should the committee decide to recommend a direct appropriation for the USOC, the administration would appreciate additional time to review the question of an appropriate vehicle to reach the committee objectives.

Now, the Department of Commerce is submitting a report regarding the inappropriateness of that Department being charged with that task as proposed in the bill.

As stated, the Commerce Department has no expertise in the area of amateur athletics, and so we request this time to consider the matter.

In summary, Mr. Chairman, the issues at rest by the bill are important to this country. Your leadership and focusing attention upon these issues is very much appreciated.

And thank you for the opportunity to appear before you.

Mr. DANIELSON. Thank you very much, Mr. Conrad.

Let me see if I can sum up your testimony.

As I recall, you favor the enactment of the bill, is that the basic thrust?

Mr. CONRAD. Yes. We like the bill. We favor it.

Mr. DANIELSON. Your quarrel with it is only to the extent of the financing aspects. You do not feel that the Government should finance this activity.

If the Congress should, in its wisdom, decide to finance it, then at least you feel that the \$18 million portion should be enough to take care of the needs that exist. And then, that they should be labeled specifically as a one-time, one-shot application of the taxpayers money.

However, you would prefer that it not be included at all. You feel that the Department of Commerce is probably not the appropriate governmental vehicle to administer the program.

Is that about it?

Mr. CONRAD. That's the administration's summary.

Mr. DANIELSON. Thank you.

I will yield to the gentleman from Ohio, Mr. Kindness, for inquiry.

Mr. KINDNESS. Thank you, Mr. Chairman.

Mr. Conrad, we certainly appreciate your testimony on behalf of the administration concerning this measure. And I'd just like to know whether there has been any consideration at all whether the Department of Health, Education, and Welfare would be a more appropriate vehicle for administering the funds in this area. Is that under consideration?

Mr. CONRAD. The Domestic Council has talked about this and OMB feels that the matter should be given careful consideration and unfortunately was not able to reach the position prior to the testimony.

I think this could be done, and we'd have a position for you, I would think, within the week.

Mr. KINDNESS. Is there an effect that this bill would have on high school athletics and high school athletes, in your opinion?

Mr. CONRAD. We like the bill as it is, and we think that with the latitude and under the tremendous leadership of Bob Kane, the new president of the U.S. Olympic Committee, who is a former athletic administrator of one of our major universities, we think that the problems which are usually those isolated things which happen once every 4 years or 3 years, we think those things can be worked out within the system, not the bill.

Mr. KINDNESS. Does that mean that your answer is yes?

Mr. CONRAD. Yes.

Mr. KINDNESS. In your opinion, are non-Olympic sports affected by the bill in this present form?

Mr. CONRAD. Yes. I have noted several places that they were, and the intention is that they would be because, for example, handicapped are involved in portions of the bill and I believe that they can all indicate within up to 20 percent of the appropriated money for the grants to non-Olympic sports.

I'd request, if that is not correct, that Mr. Harrigan or Mr. Miller might want to speak to it.

Mr. KINDNESS. Would it be desirable to exempt non-Olympic sports, other than those that are intended specifically to be covered by the bill? That is to say, questions have been raised about golf and about bowling. I suppose there are a number of events that have associations that are not really contemplated to be involved in this legislation, as I understand it.

Would you care to comment in that area?

Mr. CONRAD. Mr. Kindness, I'd feel better about it if you directed that question at the Olympic Committee, because I know they are not including all sports, providing the sport itself does not wish to be included and is not a part of either the pan-American games or the Olympic games.

Mr. KINDNESS. Clarification of that point would be consistent with the administration's position, I take it. Is that a fair statement?

Mr. CONRAD. Yes.

Mr. KINDNESS. Mr. Chairman, I have no further questions. Thank you, Mr. Chairman.

Mr. DANIELSON. Thank you, Mr. Kindness.

Mr. Mazzoli, of Kentucky.

Mr. MAZZOLI. Thank you, Mr. Chairman.

And Mr. Conrad, it's good to have you here, and I appreciate your help. You made quite a bit, and I'm glad you did, about the need for all people to be healthy and the fact that an all-sports program is one way to keep our Nation healthy.

Is it your opinion that we need this bill to keep America healthy? Is this essential in order to achieve a healthy America or to achieve an all-sports program for people who are adept and those who are not?

Mr. CONRAD. Let me hedge just a little bit by answering it this way. The real intention of this, in the beginning of the President's Commission on Olympic Sports, was to improve our Olympic program and our Olympic development program.

I don't think the bill is essential to the matter that you're talking about, but is highly desirable as a complementary activity. We will see, coming out of this, an increase in local programs.

I would be very disappointed in the U.S. Olympic Committee didn't, along with some of us, take an aggressive position in this matter of the reduction of high school athletics. Now, get ready for it, because it's going to come. They're cutting out programs all over this country, starting with California on Proposition 13.

Mr. MAZZOLI. In other words, this bill, if it's passed, is going to substitute for programs that are being cut out at the high school level?

Mr. CONRAD. No. This would not.

Mr. MAZZOLI. Well, then, again, this bill is not essential in order to achieve the goals of the President's Council on Physical Fitness?

Mr. CONRAD. No; it's not. But it's highly desirable.

Mr. MAZZOLI. You used the term during your testimony, "anguish"—that people have expressed "anguish" about the performance, say, for instance, in Montreal or something, in the Olympics.

Can you document anguish? Or is that a term that you used—I don't want to pin you down, because it leads to another point that I have to make.

Mr. CONRAD. I think I could document anguish just by utilizing the media and the position of many of the sportswriters who have done interviews.

Mr. MAZZOLI. I'm not an athlete, and I was just curious. Is there not a split of opinion nationally among sports figures as well as people like yourself who are in sports professionally, as to really what the goal of this Nation ought to be in the sports program?

Mr. CONRAD. I don't think so. I don't think you can talk about sports-for-all and leave out the elite program.

And for example, if you'll pardon me just a little aside—

Mr. MAZZOLI. Excuse me just one second.

To pin it down, I think, just to make myself clear, I believe that any person would say that an Olympic team, which I assume you're talking about, is your elite.

Mr. CONRAD. Yes.

Mr. MAZZOLI. Right. Is there not some question as to exactly what the national commitment should be via and through its Olympians? And may I suggest that if—you know, my opinion, when reading some of the sports, about the possibility that East Germans use steroids to pump themselves up in the swimming, in the weight-lifting, in the Greco-Roman wrestling, and some of the strength events, was there not a debate whether or not, in the zeal to be No. 1, our athletes ought to be shot and pumped up and given steroids?

Mr. CONRAD. I don't think the leadership in this country feels that they should be.

Mr. MAZZOLI. In other words, if it meant being No. 1 by using these external devices and techniques, we say we don't want to be No. 1; is that correct?

Mr. CONRAD. Yes.

Mr. MAZZOLI. So, therefore, it seems to me that we do have a difference of opinion on really what our program ought to be. Our program ought to be an excellent program within certain bounds. And therefore, I wonder again if we can have an excellent program within the certain bounds without this will to force.

Mr. CONRAD. The leadership in the athletics in the United States feels that all aspects of the athletics are important, and we would not slight the elite program. We think it serves as a stimulus.

And I'd like to take you back to California, if I may, because you've got a tremendous problem coming up there; 33 percent of the athletic team, in round figures, has come from California. And a lot of people say that's because of the daily physical education program and the fact that every boy and girl everyday are out there exercising, in most cases, probably. And all of a sudden, this may very well be gone and wiped off.

Mr. MAZZOLI. How about trying weather? Would that not be a factor in California?

Mr. CONRAD. No, not particularly, when you consider the excellent weather which we have in many other States not too far south of here, clear across the United States. And you don't see the athletic performance coming out of those States.

Mr. MAZZOLI. Let me ask you one final question, because I'm not sure I know all the objects of the bill.

But as I have just surveyed it briefly, it seems what Congress is being called to do is to premier certain groups and the other groups would not have any consideration. Do you have any fear—if my appraisal in a very simplistic way is correct—do you have a fear that once the Government comes in to settle problems that you can't settle yourselves, that the Government may never get out of the area?

Mr. CONRAD. Well, that's one thing this bill had tried to do, and if it has not done that, then I have serious reservations about it.

See, I'm Government—

Mr. MAZZOLI. I know you are. That's why I'm asking a bureaucrat.

Mr. CONRAD. I'd rather you hadn't said that.

Mr. MAZZOLI. I'm a bureaucrat, too, after a fashion.

But I was just wondering.

Mr. CONRAD. Thank you.

Mr. MAZZOLI. Thank you, Mr. Chairman.

Mr. DANIELSON. Thank you, Mr. Mazzoli.

Mr. Kindness and Mr. Mazzoli have done a pretty good job of covering this entire program. I think I understand the thrust of your position, which is that of the administration.

Mr. CONRAD. Yes, sir.

Mr. DANIELSON. And I thank you for it.

I noticed you ad libbed your statement, which is the way I like it best. I think you've covered far more ground than you covered in the written testimony.

Unless there's objection, we will not put the statement in the record. The ad lib had far more vitality. Would you like your statement in the record?

Mr. CONRAD. I didn't cover all of it.

Mr. DANIELSON. Without objection, we'll put it in the record, but we'll admonish people to read the record.

Mr. CONRAD. Thank you.

[The prepared statement of Mr. Conrad follows:]

STATEMENT BY C. CARSON CONRAD, EXECUTIVE DIRECTOR OF PRESIDENT'S COUNCIL
OF PHYSICAL FITNESS AND SPORTS

Mr. Chairman, I am pleased to have this opportunity to appear before you and discuss the administration's views on H.R. 12626, the Amateur Sports Act of 1978.

I should like to begin by pointing out that the goals and objectives of this bill are in harmony with the goals and objectives of the President's Council on Physical Fitness and Sports (PCPFS). This fact can be illustrated by citing some of the responsibilities assigned to the Secretary of HEW and the PCPFS, as set forth in Executive Order 11562:

(1) Enlist the active support and assistance of individual citizens, civic groups, professional associations, amateur and professional sports groups, private enterprise, voluntary organizations, and others in an effort to promote and improve sports participation programs for all Americans;

(2) Stimulate, improve, and strengthen coordination of Federal services and programs relating to sports participation;

(3) Encourage State and local governments in efforts to enhance sports participation;

(4) Seek to strengthen the physical fitness of American children, youth, and adults by systematically encouraging the development of community centered and sports participation programs to encourage innovation, improve teacher preparation, and strengthen State and local leadership; and

(5) Stimulate and encourage research in the area of sports performance.

The President's Council has other responsibilities beyond those I have outlined here, but it is apparent from the foregoing that we are very much interested in the development of broad-based sports programs for all segments of our society—the young and the old, male and female, the athletically gifted and the physically handicapped. The broader the base we build, the larger the pool of skilled athletes from which the U.S. Olympic Committee (USOC) and the National Governing Bodies (NGB's) will select candidates to represent the United States in major international competitions.

The PCPFS views itself as a partner to the USOC and the NGB's for the purposes of sports development. It is our task to promote interest and participation in sports and thereby help build the broad base that I have mentioned. It is theirs to provide the coaching, the administrative leadership, and the competitive opportunities that athletes must have to develop their full potential. Without a strong USOC and effective NGB's, our efforts would be of little avail. By working together, for the same goals, we can have a strong national sports program for all.

Scientific studies have established beyond doubt that appropriate physical activity enhances both health and the very quality of life itself. In recognition of this fact, the Council of Europe did, in 1976, unanimously adopt a European Sports-for-All Charter. Subsequently, six governments have amended their national charters to spell out the obligation of government to afford every citizen the opportunity to participate in sport.

In November of 1976, UNESCO unanimously adopted a slightly modified version of the European Sports-for-All Charter. There is today a worldwide movement toward sports participation opportunities for everyone. The United States has made great strides toward this goal in the 22 years since the PCPFS was established, but serious problems remain. Approximately one-half of all American adults never engage in physical activity for exercise, the fitness of our young people improved dramatically in the early 1960's, but school physical fitness test scores have improved not at all in the past decade. It is apparent that we still have a long way to go before we reach our goal of universal sports participation.

The gradual decline of American achievement in Olympic and other international athletic competitions has been apparent to all, and indeed has been the cause of considerable anguish. It should be recognized that this decline has not been due to a decline in the quality of American performances. It is due largely to the fact that other countries have been closing the gap by developing well-financed, scientifically oriented sports programs. It also has something to do with the fact that many of our best athletes are in non-Olympic sports, such as baseball and football, and that many of those who excel in Olympic sports are lured into professional sport.

But I do not seek to make excuses, or to apologize for the American system. It has served us well, and I am confident that it can be made to do so again.

Despite the enormous drain on our talent by non-Olympic and professional sports, we still have more accomplished athletes available to us than any country in the world. We also have more swimming pools, more stadiums, more tracks, and more gymnasiums. All that is missing from the picture is a national commitment to succeed in the Olympic Games, and the organizational framework that would allow us to fulfill such a commitment.

The adoption of the major proposals of H.R. 12626 would go a long way toward supplying those missing pieces. It would, I believe, not only result in stronger national sports teams, but also improve opportunities for all Americans to participate in sport.

Mass participation in sport, and the athletic excellence that would result from it, has been an objective of the PCPFS since its inception in 1956. Upon his return from the XXth Olympic Games in Munich in 1972, the Chairman of PCPFS recommended to the President that he appoint a commission to examine our Olympic program and make suggestions for improving it.

As you know, a Presidential Commission on Olympic Sports (PCOS) was established. The PCPFS testified before that body and attended most of its meetings. We believe the PCOS made an excellent report, and we commend the USOC for moving so promptly and aggressively to adopt several of the report's recommendations. Now that these changes have been made, I believe that the USOC constitution and by-laws are consistent with both the intent and the specific provisions of H.R. 12626 and S. 2727.

Since I have mentioned those two bills, I want to add that all true sports enthusiasts in this country owe a debt of gratitude to Senators Stevens, Culver, and Stone, and to Congressmen Kemp, Mineta, Michel, and Metcalfe. Their commitment to a strong U.S. Olympic program and the excellent work they have done toward that goal are most reassuring to those of us who are concerned about the problem.

In its assigned role as a catalyst, the PCPFS has not sought to compete with the sports governing bodies and associations. Rather, it has tried to reinforce and complement their efforts.

The PCPFS receives financial support for most of its projects from the private sector and other public agencies. Many of these projects have strengthened our Olympic effort by contributing to development in 21 of the sports on the Olympic schedule. The success of these projects also has strengthened our faith in the American tradition of private support for competitive sport. We have discovered that there are abundant financial resources available for well-conceived and well-run programs.

Before I proceed to comment on specific provisions of H.R. 12626, I want to mention just a couple of other ways in which the PCPFS is supporting our Olympic effort.

Recognizing the need for the best information available on the subject of sports medicine, last winter we launched a new publication, *Physical Fitness/Sports Medi-*

cine. It is published quarterly; it is the most comprehensive listing of its kind in the world; and it includes bibliographic listings from 2,300 scientific journals in medicine and physiology.

The publication was developed in cooperation with the American College of Sports Medicine, the American Medical Association, the USOC, and the National Library of Medicine. It is available to anyone who is interested, on a subscription basis, and it already has nearly five thousand physicians, coaches, and physical educators among its readers.

In a parallel effort, the President's Council has for eight years been publishing the Physical Fitness Research Digest, which is a review of scientific study. That quarterly publication now has some 15,000 readers.

The supporting activities are mentioned to illustrate that the PCPFS believes in a strong US Olympic program and is proud of its track record of assistance toward that end.

To return to the matter before us today, the administration has serious concerns with the financial assistance provisions of H.R. 12626. Financing ongoing programs of the USOC would establish a very unfortunate precedent. The administration strongly believes that the Federal Government should not attempt to direct amateur athletics in this country and that amateur athletics should be financed through the private sector. If it is the decision of this committee to provide a direct appropriation on a one-time basis to finance the immediate restructuring of amateur athletics in the USA, we believe the \$18 million funding proposed for that purpose would not be viewed as a precedent.

The proposal to appropriate \$12 million to finance feasibility studies, to assist in determining appropriate locations for training centers, to finance the administration and operation of such centers, and to finance an information retrieval service for the analysis and dissemination of sports medicine information is, in our view, undesirable and unnecessary. The selection of location of appropriate training centers would be a task of the U.S. Olympic committee which could be provided through the aforementioned \$18 million appropriation. The financing of the administration and operation of training centers as well as the information retrieval service are expenses which should be provided in the private sector. The support for such ongoing expenses should be provided through funds raised by the USOC.

Should the Committee decide to recommend a direct appropriation for the USOC, the administration would appreciate additional time to review the question of an appropriate vehicle to reach the Committee objective.

The Department of Commerce is submitting a report regarding the inappropriateness of that Department being charged with that task as proposed in H.R. 12626. As stated, the Commerce Department has no expertise in the area of amateur athletics.

In summary, Mr. Chairman, the issues addressed by H.R. 12626 are important to this country. Your leadership in focusing attention upon these issues is very much appreciated. Thank you for the opportunity to appear before you.

BIOGRAPHY OF C. CARSON CONRAD, EXECUTIVE DIRECTOR, THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

C. Carson Conrad was appointed Special Advisor on Physical Fitness by President John F. Kennedy. He served in a similar capacity under Presidents Johnson and Nixon until appointed Executive Director (full-time) of the President's Council on Physical Fitness and Sports. As executive director, he directs staff activities for the Nation's physical fitness and amateur sports programs.

Prior to his appointment as executive director September 25, 1970, Conrad served 16 years as Chief of Athletics, Recreation, Health and Physical Education for California where he directed the State's specialized programs for over 5 million pupils. He had prior service in physical education, athletics and recreation in several California communities and was on the faculty of the University of Southern California and California State University, San Francisco.

Among the many honor awards which he has received are: Associate Fellow, American Academy of Physical Education; and Distinguished Service Awards from the California Coaches' association, the California Interscholastic Federation, the California Association for Health, Physical Education and Recreation, the International Press Association, the California Athletic Directors and the National High School Athletic Coaches' Association. In 1965, he was named Alumnus of the Year for the University of California at Santa Barbara and in 1966, was the winner of the National Physical Fitness Leadership Award given by the US Jaycees. In May 1976, he was given the Exemplary Service Award by the Public Health Service, Department of Health, Education and Welfare, "In recognition of his dynamic leadership

and creative approach in improving the health habits of the American people through their participation in regular physical exercise."

In May 1977, Conrad was awarded the Medal of Good Service in Sports by the Portuguese Government for valuable contributions to the cause of physical education and for creating better relations between nations through sports.

He is author of a number of publications and has published over 60 professional articles. AB degree, the University of California at Santa Barbara; MA, California State University, Sacramento; with additional graduate work at the University of Southern California.

Conrad is listed in Who's Who in America, Who's Who in Government, Who's Who in South and Southwest, and International Who's Who.

He is an active clinician, serving on the faculty for over 80 regional and 190 state/local physical fitness and/or sports clinics. Has conducted clinics in six foreign countries.

Mr. DANIELSON. Our next witness we have—I want to be sure—is Mr. Jack Kemp present? He is not?

Mr. Dan Quayle? Mr. Quayle is not present. he has submitted a written statement which, without objection, will be received into the record.

There being no objection, so ordered.

[The prepared statement of Hon. Dan Quayle follows:]

STATEMENT BY HON. DAN QUAYLE, A REPRESENTATIVE IN CONGRESS FROM INDIANA

I am pleased to submit this statement for the record regarding H.R. 12626, the Amateur Sports Act of 1978.

I commend the work of the authors of this bill in drafting legislation which would deal with the abuses and difficulties which have arisen in past years for those amateur athletes who would participate in Olympic and Pan American games. Following testimony before the Senate Committee on Commerce, Science, and Transportation, the bill was wisely amended to apply to only those sports which are on the Olympic and Pan American programs. This reflected the view that other sports were never intended for inclusion in the jurisdiction of this act, and that any such extension of the act would be unnecessary interference with amateur sports which are not featured in international competition and which, for the most part, have suffered none of the difficulties experienced by other sports in attempting to rule on who shall be eligible for competition in these games.

However, I would point out that in a few sections of the bill, technical amendments might be necessary to bring those sections into conformity with the thrust of the bill. For example, in stating the objects and purposes of the corporation which will have jurisdiction over these athletic activities, it is not specified that only Olympic and Pan American sports would be subject to the corporation's jurisdiction. There are four other places in the bill where I believe clarifying would be equally useful.

I have included the amendments in the Appendix to this statement. I will be appreciative of the committee's kind consideration of these amendments and hope that they can be included in the final bill, to eliminate any confusion regarding the inclusion of non-Olympic or Pan American athletics in this act.

Thank you for affording me this opportunity to submit a statement and recommend amendments. I commend the committee for dealing with these problems often faced by amateur athletes.

APPENDIX—RECOMMENDED AMENDMENTS

(1) Page 6, line 24: Insert after the words "United States" the following phrase: "relating to sports included in the programs of the Olympic or the Pan American games".

(2) Page 7, line 21: After "(8)", insert the following phrase: "in connection with sports included on the programs of the Olympic or the Pan American games".

(3) page 9, line 2: After "United States", insert the phrase: "relating to sports included on the programs of the Olympic or the Pan American games".

(4) Page 9, line 17: After "(5)", insert the following phrase: "in connection with sports included on the programs of the Olympic or the Pan American games".

(5) Page 36, line 25: After "competition", insert the following phrase: "with respect to a sport included on the programs of the Olympic or the Pan American games".

Mr. DANIELSON. Our next witnesses would be a panel of athletes: Mr. John Naber, Ms. Dianna Holum, and Mr. Willie Davenport. Would those of you who are present, would you please come forward?

I can identify Ms. Holum. I'm having a little trouble with Mr. Naber and Mr. Davenport.

Thank you, folks. You're a panel. Do you have formal statements prepared?

Do you, Ms. Holum?

Ms. HOLUM. Yes, somewhat formal.

Mr. NABER. Informal statement prepared.

Mr. DAVENPORT. I have submitted it already, sir.

Mr. DANIELSON. Without objection, we will receive the written statements into the record.

[The prepared statements follow:]

STATEMENT BY WILLIE DAVENPORT

SUMMARY

This bill is necessary because it:

1. Provides monies for the study of and development of desperately needed training centers throughout the country;
2. Initiates action to develop a total sports program in the United States;
3. Attempts to resolve the internal altercations between sports organizations and the U.S. Olympic Committee (USOC) by designating the USOC as the official governing body with its subordinates of national governing bodies representing the various sports organizations which departmentalize the 22 Olympic events; and
4. Offers ideas for later legislation which may provide financing for the maintenance of the sports program.

(The statement by Willie Davenport covers the importance of training centers in the United States, of which post-college training facilities are the most important.

(It explains the importance of arbitrating internal disputes among sports organizations, and it emphasizes the need for developing a comprehensive sports medicine program and adding provisions for construction monies to be taken from the \$30 million allocation.)

STATEMENT

Mr. Chairman, distinguished Senators, I thank you for this opportunity to represent the amateur athletes of the United States here today, for through Senate bill 2727 we are at last receiving the recognition athletes in other countries have enjoyed for many years.

At last, I feel the United States is attempting to glorify excellence, not to praise mediocrity.

At last, I see this Nation's greatest ambassadors have a chance to reach their zenith through a total sports program utilizing the resources and technology that have made this Nation prosperous. I grew up in the Olympic process, so I know its problems. I know the mental abuse athletes experience when the nation of their birth puts them before the world to do or die without complete preparation.

Success, gentlemen, reflects on the ability of a sports program that permits individual athletes to reach the limits of their potential. And, at last, through Senate bill 2727, I see a step in this direction. College and military preparation have had tremendous impact on the sports community of this Nation. However, training shouldn't end there. We need post-training facilities to enable the Bruce Jenners, the Arnie Robinson, the Evelyn Ashfords, and the Fred Newhouses to continue their training and assure even greater victories in the future.

A man doesn't lose his vigor as he matures. I truly know this, for God couldn't have given me a greater victory than to allow me to leave the 1976 Olympic Games with a bronze medal in the 110-meter hurdles and the honor of carrying our Nation's flag in the closing ceremony at the age of 33.

This bill has inspired me, gentlemen, to strive for an even greater victory by developing a desperately needed training center in Baton Rouge, the city of my residence.

Senate bill 2727 is important to every potential Olympian this Nation can produce, for it strengthens the cohesion between all athletes by correcting the administrative troubles that could possibly have reached catastrophic levels if left uncontrolled. This stabilization will enable all the talent this nation has—and an awesome talent it is that has triumphed in times when an ordinary man may have crumbled—to compete on a level of excellence without the burden of internal disputes.

Gentlemen, it is important that one participates, not that he wins; that one struggles, not that he triumphs; and to have fought well, not necessarily to have conquered.

Senate bill 2727 opens up a great arena of resources by providing the impetus needed to get sports medicine moving in this country. A training center could become an oasis for research, and innovations and improvements that have in the past been ignored could be put to practical use. This center could become a proving ground for university health programs, kinesiology, and equipment development. It could prevent superior athletes from becoming an endangered species, dying off through neglect and ill-use.

A training center, I speak of one, but hundreds are needed, puts my mind at ease about the future of sports in this country. The \$30 million this bill allocates is but a drop in the bucket when one thinks of the actual dollars needed to develop and coordinate an active sports program in the United States, but it is a beginning, it is a point of origin from which to build a graph of excellence that reaches infinity.

We do, however, need construction funds for existing facilities and newly built structures to assure Olympic quality equipment and the peak of athletic performance.

Gentlemen, I thank you for this bill.

I've seen men and women represent this country giving their all for its glory. They have allowed the beauty of movement to unfold itself through them in an offering of self. They have reached out for the space in the distance, unleashing thought for action to reach the bounds of infinity. They have celebrated the struggles of mankind to expand the physical limitations God has endowed them with. And, they have proven that the Earth revolves only on the quality of life at play.

You have made their triumphs even more beautiful through your concern for their excellence and I thank you, as each of them would, with a jubilant heart.

STATEMENT OF DIANNA HOLUM

My name is Dianne Holum. I was a member of the 1968 and 1972 U.S. Olympic Speed Skating Team, seven times a member of the U.S. World Championship Team, coach of the 1976 Olympic Speed Skating Team, and currently the National Team Coach. I am also a high school track and field and a swimming coach and an A.A.U. swimming coach. As you can see I have a broad experience in amateur sports as a competitor and coach. My current membership on the Athletes Advisory Council of the U.S.O.C. has brought me in close touch with the contents of this bill.

I firmly believe that the Amateur Sport Act can do nothing but improve the present situation that exists in amateur sports in the United States today. It is a positive step forward, one that athletes and coaches have been dreaming of for years but never realized could soon be accomplished. Now that this dream can become a reality there are many excited and enthusiastic supporters of this bill.

I am representing a minor winter sport, one that has a small following, however, has been the most successful winter sport in the United States in World and Olympic competition. I have seen and experienced many existing problems that the Amateur Sport Act can begin to solve in my sport and other sports like it.

Organizational problems within the National Governing Bodies and great financial difficulties are the most common problem areas. To expound on that: Speed skating has presently only two facilities within the entire United States. While a country as small as Holland finances eleven such facilities. One rink is located in West Allis, Wis., and the other was recently opened in Lake Placid, N.Y., the site of the 1980 Winter Olympics. The rink in West Allis is operated with an annual loss of approximately \$32,000 to due mismanagement and little real concern for the facility. As a result it opens a month to a month-and-a-half later than similar European rinks and is forced to close in February, prime training time for the development and use by young skaters. The rink is also facing a constant threat of a complete shutdown.

During the Olympic year 1976, some 40 U.S. speed skaters travelled to Europe in the early Fall to train on the European rinks which had opened one and one half months before the facility in West Allis. This training trip cost a minimum of \$1,000

per skater. This means that over \$40,000 was spent by American amateur athletes to train in Europe instead of their home country.

Besides the lack of money for facilities, the U.S.I.S.A., the National Governing Body for speed skating, receives all its monies from the U.S.O.C. development fund to run the sport. Being a minor sport it is very difficult to raise money on their own to cover the expenses of the programs and to develop new ones. Many such minor sports face the same situation. As a result the athletes are commonly forced to pay partial or all expenses to compete in World and International meets. Coaches have always been volunteers with no salary. The administration is unfunded, no paid administrators. Programs are developed poorly and the athletes suffer the most. Obviously with little funds and few facilities the minor sports make few strides toward real development and will remain minor unless some changes can be made.

If this bill passes, money will be allocated to begin to solve some of these problems. It will be a giant step for the minor and major sports. There is an obvious need and a great demand for financial assistance.

Another very important and crucial part of the bill is that it calls for the adoption of a vertical structure of National Governing Bodies with the U.S.O.C. as the coordinating organization. Criteria has been established which NGB's will have to meet to be recognized by the U.S.O.C. These criteria will insure that the NGB's will be responsive to the athletes they represent and to the public they serve. Coming from a sport that has been governed by a self perpetuating board where there has been little or no voice from the membership and athletes, I am quite aware of the many problems that can result. With the passing of this bill the NGB's must conform to such standards as nondiscrimination in membership and leadership, adequate representation for athletes themselves on governing boards, reasonable eligibility regulations and adequate management capabilities. All of which are missing from many sports. Obligations of the NGB's are set forth which are designed to promote interest and participation in their respective sports and to insure that the request of athletes to participate in legitimate international competition are honored. Procedures are provided to enable individuals and organizations to compel a NGB which is not meeting its duties to comply with the criteria for recognition.

This aspect of the bill is really crucial because it forces the NGB to work for the athletes. Many NGB's are not working for the athletes, so to speak, but rather the athletes are performing in spite of the organization. Team selection procedures have been known to be vague and limiting and as a result some of the best athletes have been left home.

This bill can help eliminate those disasters. With a vertical structure, specific criteria, sufficient financing, and an establishment of some common goals, the American amateur athlete's performance can go nowhere but up.

I have spoken with many athletes from many sports and they all encourage the passing of this most important and necessary bill. Thank you.

AMATEUR SPORTS ACT OF 1978 (H.R. 12626)

On May 8, your colleagues in the Congress passed Senate Bill 2727—the Amateur Sports Act of 1978—doing so by a voice vote, and, apparently, without any dissension or consideration of two major issues which had been raised prior to the vote as the result of meetings of the board of directors of the Amateur Athletic Union of the United States and the House of Delegates of the United States Olympic Committee.

It is the Amateur Sports Act of 1978 that is now being considered by the House Judiciary Committee's Administrative Law and Governmental Relations Subcommittee—and I appreciate the opportunity that has been given me to present my views, and those of the Amateur Athletic Union, with respect to H.R. 12626.

At the onset, I noted that the Senate's passage of S. 2727 had taken place without any discussion or consideration of two major issues—and I would like the record to show that this was done despite the fact that the Senate sponsors of the legislation were aware of, but failed to incorporate, certain compromise positions which had been agreed to by Senate Commerce Committee staff and amateur sports national governing bodies.

The first major omission was the failure to restore to S. 2727 the "Amateur Athlete's Bill of Rights Act" which had been contained in the legislation when it was first introduced last year as S. 2036—and in which the "Amateur Athlete's Bill of Rights Act" formed Title III of the proposed measure.

As Exhibit A in connection with my statement to this subcommittee, I offer a copy of the "Amateur Athlete's Bill of Rights Act" as set forth in Title III of S. 2036, and enunciated in Sections 301, 302, 303, and 304 of that proposed legislation.

At its April 29-30 meeting in Dallas, the AAU's board of directors unanimously adopted a motion recommending to Senators Stevens, Culver, and Stone that an athletes' protection section be reinserted.

This was not done; as a matter of fact, the subject was not even mentioned in the floor debate preceding passage.

I urge that an "Amateur Athlete's Bill of Rights Act" be incorporated into any companion legislation developed by this subcommittee—and my suggestion is that this new Title III take the form of the language developed by the Athletes' Advisory Council of the United States Olympic Committee, which I hereby offer for your consideration as Exhibit B.

I would also like the record to show that there are other items not included in S. 2727 which had been agreed to at the April 15-16 meeting of the United States Olympic Committee's House of Delegates in Lake Buena Vista, Fla., and it was this consensus which led the AAU members of that body to agree that our organization would not oppose the Amateur Sports Act of 1978.

Moreover, I attest to the fact of this consensus and agreement both as president of the Amateur Athletic Union and as third vice-president of the United States Olympic Committee—in which roles I was a party to both.

The most glaring omission is S. 2727's—and now H.R. 12626's—failure to adequately define the protection afforded national sports governing bodies with respect to international competition, and this lack of specificity can only result in a variety of interpretations of the law which go beyond that which we understand to be either its intent or its meaning.

One example of a possible interpretation was engendered by Senator Stevens during the pre-vote debate in that chamber—at one point his remarks left the impression that American sports groups, such as those at the collegiate level and YMCA-type organizations, could not be denied a sanction from a sport's U.S. governing body as long as such an event involved a similar organization in another country.

In the broad sense, such an interpretation would force each of the national governing bodies now associated with AAU—and, to the best of our knowledge, all of the other national governing bodies that are also members of the USOC, to violate their own international federations' rules—which call for NGB's to authorize, approve, or negotiate all exchanges for amateur athletes and teams which involve competition outside the geographic boundaries of their countries.

Let me point out that it is the international federations in amateur sports—and not the International Olympic Committee, or, for that matter, a national Olympic Committee, which makes and enforces the rules that pertain to international competition.

You should also be aware of the fact that a national sports governing body which knowingly permits infractions of such rules is liable for suspension by its international federation—with the ensuing result that athletes of that nation would not be permitted to enter any international competition—including the Olympics and Pan American Games—in the sport involved.

As an example, take boxing, for which the AAU is the United States' governing body. Were the AAU to permit rules of the Association Internationale de Boxe Amateur, world governing body for the sport, to be broken, our national governing body could be suspended by AIBA—and American boxers would not be allowed to compete in the Olympics—for it is federation membership, not International Olympic Committee membership, which decides which nations will be represented in a particular sport in both the Winter and Summer Games.

I urge, therefore, that the protection required for U.S. national sports governing bodies under the rules of the various international federations be incorporated in specific terms into any legislation developed by this subcommittee—and, towards this end, I offer my own assistance and that of my fellow AAU officers—as well as the expertise of the chairmen and officials of the AAU's national sports governing bodies, and the full cooperation of our national headquarters in Indianapolis.

There are other portions of the Amateur Sports Act of 1978 which are highly undesirable. One such instance is that while it calls for national governing bodies to be autonomous, it follows with restrictions which, in our view, defeat the autonomy which is the legislation's stated purpose.

However, while we can see such portions as either self-defeating or potentially confusing, we reluctantly and cautiously accept them in the best interest of amateur sports in the United States as set forth in the Amateur Sports Act of 1978's "Declaration of Policy" (Title I, Section 101).

In this latter regard, my first point bears repeating—without an “Amateur Athlete’s Bill of Rights Act” being incorporated, the Amateur Sports Act of 1978 will, at best, be doing only half the job.

I must reiterate that the Amateur Athletic Union will oppose the proposed legislation unless satisfactory definitions of international competition are included and if other amendments are added as a result of these hearings or during floor debate that, in our opinion, are also detrimental to amateur sports development.

[Exhibit A]

“FEDERAL FINANCIAL ASSISTANCE

“SEC. 206. (a) The Secretary of Commerce (hereinafter in this section referred to as the ‘Secretary’) is authorized to award grants to the Corporation to assist in the development of amateur athletics in the United States. The Corporation may apply to the Secretary for funds available under this section, and shall use such funds consistent with the objects and purposes of the Corporation specified in section 104 of this Act. The Secretary shall approve any application which meets the requirements of this section, and award grants to the Corporation, in a total sum not exceeding—

“(1) \$18,000,000 to finance the development and operation of any programs approved by the Corporation;

“(2) \$10,000,000 to finance feasibility studies to assist in determining appropriate locations for training centers, and to finance the administration and operation of such centers. As used in this paragraph, the term ‘training centers’ means sites selected by the Corporation for use in furthering amateur sports development, research and education across a broad range of sports, including the collection, analysis and dissemination of technical sports information; and

“(3) \$2,000,000 to finance an information retrieval service for the analysis and dissemination of sport medicine information.

“(b) Each application for funds available under this section shall be in such form as the Secretary provides and shall contain provisions to assure that such funds are disbursed in accordance with the provisions of this section. For the purpose of review or audit, the Secretary shall have access to any books, documents, papers and records which are relevant to any grant received under this section.

“(c) Not more than 20 percent of the funds available under this section may be provided to organizations which are not members of the Corporation.

“(d) There are authorized to be appropriated to the Secretary not to exceed \$30,000,000 in fiscal year 1979, such sums to remain available until expended.”.

TITLE III—ATHLETES’ RIGHTS TO PARTICIPATE

SHORT TITLE

SEC. 301. This title may be cited as the “Amateur Athlete’s Bill of Rights Act.”

DEFINITIONS

SEC. 302. As used in this title, the term—

(1) “amateur athlete” means any athlete who meets the eligibility standards as defined by the national governing body for the sport in which the athlete competes;

(2) “amateur athletic competition” means a contest, event, game, meet, match, tournament, or other program in which amateur athletes are permitted to compete;

(3) “amateur sports organization” means a not-for-profit corporation, club, federation, union, association, or other group which sponsors or organizes any amateur athletic competition;

(4) “educational institution” means a high school, college, university or other such body which provides instruction to students;

(5) “international amateur athletic competition” means (A) any amateur athletic competition between any athlete or athletes representing the United States, either individually or as part of a team, and any athlete or athletes representing any foreign country, and (B) any amateur athletic competition used to qualify United States amateur athletes for such competition;

(6) “national governing body” means an amateur sports organization which is recognized by the United States Olympic Committee; and

(7) “sanction” means a certification of approval issued by a national governing body.

SEC. 303. No national governing body, sports organization, educational institution, or association of educational institutions may deny or threaten to deny any amateur

athlete, coach, trainer, manager, or administrator the opportunity to participate in any international competition sanctioned by the national governing body for the particular sport. No national governing body, sports organization, or association of educational institutions may, subsequent to such competition, censure or otherwise penalize any athlete, coach, trainer, manager, educational institution, or administrator for having participated in such competition. Subsequent to such competition, no educational institution may censure or otherwise penalize any athlete, coach, trainer, manager, or administrator for having participated in such competition. However, an educational institution which an amateur athlete is attending at the time of such competition may deny the athlete the opportunity to participate if the educational institution reasonably determines that such participation—

(1) would prevent the athlete from meeting the academic requirements which are applicable to all students who participate in the athlete's course of studies; or

(2)(A) occurs during the regular season in the sport in which the athlete competes; and

(B) would jeopardize the athlete's participation and performance in the educational institution's established sports program in the sport in which the athlete competes.

ENFORCEMENT

SEC. 304. (a)(1) Whenever any person is engaged in, or there are reasonable grounds to believe that any person is about to engage in, conduct resulting in a denial of opportunities to participate under section 303 of this title, a civil action for preventive relief, including an application for preliminary or permanent injunction, temporary restraining order, or other applicable order, may be instituted by the amateur athlete, coach, trainer, manager, or administrator claiming to be aggrieved, or on behalf of such athlete, coach, trainer, manager, or administrator by the United States Olympic Committee, by any national governing body, or by any sports organization of which such individual is a member.

(2) The district courts of the United States shall have jurisdiction to enjoin the commission of any acts or threatened acts which would result in a denial of the opportunity to participate in any sanctioned international competition. Upon finding that a person is engaged in or is about to engage in conduct resulting in a denial of rights under section 303 of this title, the court shall issue a preliminary or permanent injunction, temporary restraining order, or other applicable order.

(b)(1) Whenever any person is engaged in, or there are reasonable grounds to believe that any person is about to engage in, conduct resulting in a denial of opportunities to participate under section 303 of this title, an application for arbitration may be instituted by the eligible amateur athlete, coach, trainer, manager, or administrator claiming to be aggrieved, or on behalf of such athlete, coach, trainer, manager, or administrator by the United States Olympic Committee, by any national governing body, or by any sports organization of which such individual is a member. Such application shall be submitted to any regional office of the American Arbitration Association.

(2) The arbitration shall proceed in accordance with the commercial rules of the American Arbitration Association in effect at the time of the filing of the action. The arbitration shall be before a panel of not less than three arbitrators and shall begin as soon as possible but, in any event, no later than 30 days after the dispute is submitted to the American Arbitration Association. However, if the Association determines that it is necessary to expedite the arbitration in order to resolve a matter relating to an amateur athlete competition which is so scheduled that compliance with regular procedures would be unlikely to produce a sufficiently early decision by the Association to do justice to the affected parties, the Association is authorized, upon 48-hour notice to the parties, to hear and decide the matter under such procedures as it deems appropriate.

(3) Each contesting party may be represented by counsel or by any other duly authorized representative at the arbitration proceeding. The parties may offer any evidence which they desire and shall produce such additional evidence as the arbitrators believe necessary to an understanding and determination of the dispute. The arbitrators shall be the sole judges of the relevancy and materiality of the evidence offered. Conformity to legal rules of evidence shall not be necessary.

(4) Any district court of the United States shall have jurisdiction for the purpose of issuing subpoenas to compel the attendance and testimony of witnesses and the production of documents. Upon application of the arbitrators, the court shall issue such subpoenas if the arbitrators reasonably believe them to be necessary or advisable for a better understanding of the dispute.

(5) All decisions by the arbitrators shall be by majority vote unless the concurrence of all is expressly required by the contesting parties.

(6) The arbitrators shall be empowered to attempt to cause the parties to settle their differences, without the necessity of a final arbitration award.

(7) Final decision of the arbitrators shall be binding upon the involved parties.

(8) The hearings may be reopened by the arbitrators upon their own motion or upon the motion of any contesting party, at any time before a final decision is made.

(9) The district courts of the United States shall have jurisdiction to enforce decisions of the arbitrators. A request for such action may be brought by any party to the final decision.

[Exhibit B]

TITLE III, SECTION 303 OF THE AMATEUR SPORTS ACT OF 1978, PROPOSED BY THE ATHLETES' ADVISORY COUNCIL

"No National Governing Body, sports organization, educational institution, or association of educational institutions may deny or threaten to deny any amateur athlete, coach, trainer, manager, or administrator the opportunity to participate in any international amateur athletic competition¹ sanctioned by the National Governing Body for the particular sport. Nor may a National Governing Body, sports organization, educational institution, or association of educational institutions censure or otherwise penalize any athlete, coach, trainer, manager or administrator for having participated in such a competition. However, an educational institution which an amateur athlete is attending at the time of such competition, may deny the athlete the opportunity to participate if, after an appropriate hearing, the educational institution reasonably determines that such participation would not be consistent with the athlete satisfying academic requirements which are applicable to all students enrolled in the athlete's course of studies."

Mr. DANIELSON. What I'd like to do in order to have as cohesive presentation as possible, we'll have each one of you three make a presentation of what you feel are your principal points, and then we can ask all three of you questions.

Why don't we start with you, Ms. Holum?

TESTIMONY OF DIANE HOLUM, COACH, 1976 OLYMPIC SPEED SKATING TEAM

Ms. HOLUM. First of all, I'd like to thank you for inviting me to come here and present my views and the views of many athletes on this bill.

To introduce myself a little more, I was a member of two Olympic teams in speed skating, and I was seven times a member of the world championship team. And I was also the coach of the 1976 Olympic speed skating team, and am currently coaching the national team in speed skating.

I also have experience in coaching high school track and high school swimming, also AAU swimming and club swimming. So, I have a broad—pretty much of a broad experience in amateur sports as a competitor and a coach.

Also, my current membership on the Athletes Advisory Council of the USOC has brought me pretty much in close touch with the contents of this bill. And I firmly believe that the Amateur Sport Act can do nothing but improve the present situation that exists in amateur sports in the United States today.

It's definitely a positive step forward and one that athletes and coaches have really been dreaming about for years.

¹ "International amateur athletic competition" is defined in the bill as "(A) any amateur athletic competition between any athlete representing the United States, either individually or as part of a team, and any athlete or athletes representing any foreign country, and (B) any amateur athletic competition used to qualify United States amateur athletes for such competition."

I'm representing a minor sport. John and Willie represent major sports. So, I'm going to try and give my views more directed toward the problems that exist in minor sports.

The sport I represent, although it's been minor, it's been the most successful winter sport in the United States, in Olympic and world competition. And to give you an example of how well our athletes have represented the United States, last year in the world championship, out of the total of 30 gold medals that are possible, our U.S. speed skaters won 20 of them.

Out of six world titles, they won four of them. And in the last Olympics, in 1976, our skaters picked up six medals for the United States.

Even though we are a minority sport, this just proves that the potential is there for the U.S. athletes to do well. The major problems that exist in the minor sports are twofold.

One is the great financial difficulties that we have with our program, and the other is the organizational problems within the national governing bodies. And both of these points, both of these problems, hopefully can be solved if this bill is passed.

To expound a little bit more on the financial problems in speed skating, there are only two facilities in the United States. Originally, there was one, a facility in Squaw Valley; the 1960 Olympics were held there. But just after the Olympic games, the facility in Squaw Valley, which the Europeans claimed to be one of the best in the world, was made into a parking lot.

Nobody really knows why, but here was this fantastic facility that was demolished.

Mr. DANIELSON. Is that Squaw Valley, you say, ma'am?

Ms. HOLUM. Squaw Valley. Right.

The present facilities, the first of which is located in Wisconsin—West Alice, Wis.—runs every year with a financial loss, and as a result, the facility opens a month and a half later than most facilities in Europe and closed down in February every year—and in February, this is the prime time for use for the younger and the developing skaters.

The national team usually leaves for Europe about this time, and the younger skaters, the ones who are just getting into the sport, are left with no skating rink.

The other rink was just recently built in Lake Placid, N.Y., and this is because of the 1980 Olympics that will be held there. And this was opened last winter during the 1976 Olympic year.

What happened was—I already stated that our facility opens about a month and a half later than most European facilities—what happened was some 40 U.S. speed skaters, 40 or more, they ended up traveling to Europe on their expenses in order to get enough ice time so we could do well as an Olympic team.

And as a result of this traveling, it cost a minimum of \$1,000 per skater. And if we have 40 skaters traveling to Europe to train, they spent well over \$40,000 in Europe to train, and this came out of their own pockets. And it's just unfortunate that this money can't be spent here in the United States, but our athletes are forced to spend such large amounts on European facilities.

In minor sports such as skating and many other winter sports and some summer sports, we have a great difficulty in trying to

raise money. Even though our athletes have done well, it still is very difficult to raise money, and most of the money that our sport runs its programs on comes from the USOC development fund.

And as a result of this, we have many financial problems. And just to state a few: One, the athletes are many times forced to pay partial or all of their expenses to play in world and international competition. We have never had enough money to fund totally our junior team, and our junior team competes in world competition every year, and they have totally dominated the world competition. We also have little money to send alternates, or the next best skaters in order to help provide development for them.

Another major problem is: We have never had paid coaches. When I coached the 1976 Olympic team, I was an unsalaried coach, and I spent 3 months in Europe and several months in the United States organizing programs and coaching the skaters, with no salary.

This year is the first year that our organization is going to pay coaches, and the only way that they were able to find this money was to cut out money from other programs.

And one of the programs was training camps, which are organized in the summer, and our organization will not pay the athletes' way to go to the training camp. And the money that they're going to save for this will be to pay the coach.

We also have no paid administration, and as a result, you have an administration that's run by volunteers, and it's very poorly run.

Besides the financial difficulties, another very important and crucial part of this bill is that it calls for the adoption of a vertical structure of national governing bodies with the USOC as the coordinating organization.

Criteria have been established which national governing bodies will have to meet to be recognized by the USOC. And these criteria will assure that the national governing bodies will be responsive to the athletes they represent and the public they serve.

And this is very, very important in minor sports because there are many organizational problems that exist.

In our sport, we are governed by a board. That is, it's a self-perpetuating board. In other words, the board votes for the board, and we have very few athletes sitting on the board. We do not have 20-percent representation, and up until 2 years ago we had no females on the board.

We also have many management problems. We have no officiating programs. And as a result, some of our meets are run very poorly.

We had a problem as far as in the 1976 selection of the Olympic team. We, the team, were selected by using digital watches, hand timing, and they used it to the hundredth of the second, which is very inaccurate. We had a lot of problems in team selection.

The board is composed of people who are really out of touch with the sport, and as a result, too, we have never had the opportunity to really try and develop our athletes in the longer distance events.

In other words, the men skate—the longest race they skate is a 10,000-meter race, and this race is only held once a year for our

athletes, and they never have it in national competition because they say it's too long of a race to run.

As I said before, many minor sports have team selection problems, and the bill provides that the athletes have to be informed well in advance on the policy for selecting teams. And I know in the past many times this policy has been vague and was not publicized in advance, and as a result on our team we left two of our best skaters out of the 1976 Olympics.

And also, in the same year, our organization forgot to enter one of our athletes in the world championship. This boy trained for a month and a half, after the Olympics, went to the world championship, found out they forgot to enter him, and he couldn't compete.

These are just a few of the problems that exist, and ones that we hope to tackle and ones that we hope the bill will help resolve.

Just a couple more points. The bill provides money for training camps, and this, I feel, is very crucial and very important. We have to start setting up some sort of regional type training camps in order that all the sports can get together and have organized type camps, get together with research, which also is very important and very lacking in this country. The same with sport medicine.

And I think the only way we can start, in the United States, to get more into sport research and sport medicine is to start with these training camps that have been set up. And the bill provides for funding of more of these training camps and also the ones that already exist.

That's all I have to say. Thank you.

Mr. DANIELSON. Thank you very much, Ms. Holum.

I suggest we have all three witnesses make your presentation; then, we can ask you questions.

Mr. Davenport, please.

TESTIMONY OF WILLIE DAVENPORT

Mr. DAVENPORT. Thank you, sir.

Indeed, it is an honor for me to have the opportunity to come before this group today.

I have submitted a written statement and—

Mr. DANIELSON. Without objection, the statement will be received in the record.

It is in the record, and you just go ahead. You may read it if you wish, or you may just speak ad lib.

Mr. DAVENPORT. I'd rather speak ad lib.

I'd like to bring out a few points. I have been sitting in the audience all morning and have been observing some of the comments that have been made.

I'd like to begin by saying that I've been in the athletic competition for the past 18 years, and those 18 years I've been at least ranked in the top 10 in the world. I'd like to bring out the fact that I would not have been able to compete that good if it was not for the job that I have today. I attribute all of my success to being in the right place at the right time.

When I finished high school, I went into the U.S. Army, which provided a mechanism for me to train and continue my athletic career. After the Army, I went to college, which, here again, was

providing the facilities, excellent coaching, and opportunity for me to continue.

After college, I started working for the city of Baton Rouge, out at the mayor's office. He heard of my ability in athletics, and we had a long conversation one day, and I would like to perhaps share that with you.

He said, "Would you like to continue your athletic career?" And I loved track and field, so I told him yes. I've been working for the city government for the past 8 years. I'm not bragging, just stating facts, that I have never missed an hour's pay, simply because the mayor of Baton Rouge understands the fact that if we have athletes in this country who can represent this country on athletic activity, that we should do something to keep that going.

He gave me that opportunity. I'm here today because he allowed me to be here, and believe me, I would not miss a pay.

I bring this fact out for one reason, and that is: We, as athletes in this country, need some mechanism, need some means of supporting our families. Not that we want to be paid as professionals, but we want to live a normal life. We feel as though if we have the ability to represent this country, that the country should at least give us a mechanism of making a meaningful living in this country.

I heard, no longer than yesterday, the AAU was against this bill simply because of the athletes' bill of rights. In my opinion, I think that they're wrong, simply because a case before AAU right now, with Tom Allison, which this individual was suspended—and I have yet to find out for what reason—if we want to protect the athletes, then I think the athletes' bill of rights of the USOC is sufficient. But I find that very disturbing, that this bill has inspired me to even further my endeavors in athletics.

Now, I have retired, but I have one other goal, and that goal is to build an Olympic training facility in the city of Baton Rouge. You say: Why in Baton Rouge; why in New York; why in Squaw Valley, Calif.; why in Colorado Springs?

We need them. We need them because the only development programs which we have in this country are colleges and military, which I gave you an example of: the \$30 million, which was a one-time appropriation in this bill, in my opinion. And I may reiterate, it's my opinion that it's only a drop in the bucket when you begin to think of the dollar figures that are needed to develop the training facilities.

One training facility I mentioned, the training facility in Baton Rouge, we estimate the cost in the neighborhood of \$300 to \$500 million total cost.

Mr. DANIELSON. Did you say \$300 to \$500 million?

Mr. DAVENPORT. Yes, sir.

Now, this program, we feel as though it is necessary. Sure, I would like to see the training facility in Baton Rouge. I think it would stimulate the economy. I work for the government. I think it's important to us.

I also feel as though it's important that we athletes were or are ambassadors from this country, and the competition that they go through, the training that they go through.

An example of the training, for me personally, in 1976 for the Olympic games, I had to leave the United States so that I could train. Fortunately, the gentleman who beat me, hosted me.

You speak about the training facilities. In Paris, they have a training facility there. All of the equipment facilities, whatever you need, is there. That's where I trained for about 2 months, preparing myself for the 1976 Olympic games, because the facilities were there.

You say: Why not use our colleges and universities? Southern University is the largest black college in the country, in Baton Rouge, La. Louisiana State University. Those facilities are utilized for collegiate athletes. If you're a postcollegiate, you have problems getting into these facilities.

These two universities opened their doors for me, but what about our development people, those individuals who do not have a name for themselves? They will not open their doors.

I can continue to elaborate on the different situations, but I think that I need to quit because I get a little wound up when I start thinking about these facilities that we look at in our country.

It's disturbing to know that here's a public facility that we have to have permission to use, a public facility.

So, I'd like to kind of end my statement.

Mr. DANIELSON. Thank you very much, Mr. Davenport.

Never worry about getting wound up. If you didn't get wound up, you really wouldn't be interested.

Mr. Naber.

TESTIMONY OF JOHN NABER

Mr. NABER. I am not an attorney. I'm not well knowledgeable in the study of legal writings. So, for that reason, I cannot comment on the bill itself. I'm an athlete, and very proud to have been in Montreal. More specifically, I'm a swimmer, and our statistics on the sport of swimming, in 1976, the men's team walked off with 70 percent of the medals. Out of 13 events, we gave up merely 1 gold, 1 silver, and 6 bronze.

We swept four events and on all the relays. It doesn't look like the swimming program needs a lot of help. It looks like we are very well set for the rest of our Olympic careers.

However, there are a few things that this group needs to hear about a few needs that can't be denied.

First of all, the sport itself needs to have control within itself. We need to be able to be autonomous. We need to be able to have more jurisdiction over the swimming problems that we face. Without having that ability, we're watching—no offense, Willie—we're watching track people vote on swimming issues; we're watching other sports make the decisions within our own discipline.

We also need increased attention during the non-Olympic years. Everyone in this country jumps on the Olympic bandwagon—divisible by 4—and the other years in between, we find that the Olympic sports fade into obscurity.

America judges their athletes by how much money they make. For example, how good is Joe Namath? So, he makes \$200,000 a year: "Oh, yes, I know how good that is."

Unfortunately, that does not carry over. You have world record-holders who, upon graduating from college, must find a job, and because of this—because of their habits to eat and sleep—they cannot devote the training it takes to continue their athletic careers.

We'll need funding. We need funding for training which will include facilities in order to train, which includes life support. In other words, broken-time payments for those athletes who are trying to make the Olympic team. Basically, that's full-time pay for a part-time job.

And you're talking about sports medicine. I overheard a comment about: Are we willing to pump up our athletes full of hormones in order to win? No; we are not willing to break the law in order to win gold medals. But I think that it is necessary to do as much as we can within the framework set down by the International Olympic Committee. We are willing to do all we can to win as many medals as we can.

But face it: You people are just as excited as we are when the American flag is raised to the top in any Olympic competition.

We also need a strong recourse for petty disputes concerning athletes. We need a final answer. We need one single governing body that can control and enforce decisions made that govern the athletes participation in international competition.

This governing body should give equality for both sexes, for minor and major sports, for high school and collegiate competitions. The rules should be fair across the board.

And we definitely need to encourage athletic competition in international amateur contests. My experiences as an athlete, I found that the greatest assets in my training was the fact that I was able to travel overseas and compete against the athletes that I would meet in the Olympic games themselves.

For an inexperienced Olympian to find himself or herself standing next to the East German champion and never having met this person before, the experience is rather awesome. That need not happen with proper experience on younger levels, on developing levels. So, we, as a country, must support this kind of international experience.

Probably the biggest thing I needed, psychologically, as an athlete, was the knowledge that my country supported me, the knowledge that my country's government, my country's people, private industry, the public itself, supported what I was doing in between Olympic years.

It's very, very cynical to say that, "Well, the whole country gets on the bandwagon once every 4 years." But looking at it through an Olympian's—amateur athlete's—point of view, that's all we have to show for it. Once every 4 years there's amateur athletes that make the cover of sports magazines.

What do you expect us to feel? What do you expect us to think? It's my opinion and the opinion of most of the athletes that I've spoken to that nobody really cares about Olympic or amateur sports until it's an Olympic year.

For this reason, I have to ask you to think back on the pride you felt when you watched us win Olympic gold medals. Did you, too, feel pride when the American flag rose to the top of the mast?

And I might say that's not because I was there. I felt that way in 1972 when I was not there, but that feeling stayed with me in 1973, 1974, and 1975, as I was training for those Olympic games.

If you feel that the legislation before you in any way, shape, or form can assist in that movement, the Olympic movement, then I ask you to support it with a definite, strong supporting motion, not just: "Yes, yes, we need more help."

If you feel the bill, 2727, does what I'm expressing—"We need it"—please support it. I think it's important.

Thank you.

Mr. DANIELSON. Thank you Mr. Naber.

Mr. Mazzoli, of Kentucky.

Mr. MAZZOLI. Thank you, Mr. Chairman.

Let me, first, tell all three of you that I watched about every hour that ABC televised the Olympics, and I feel it was certainly a great performance, one that brought, I think, cheer to our hearts, and I believe that kind of, I guess, gooseflesh or whatever to the back of the neck that you probably felt as they raised the flag in our victories.

And I think all of us want America to do well in the Olympics. We're chauvinistic as a Nation. We always have been and always should be, and I think there's no one on Capitol Hill, certainly, who would say to the contrary.

I think the question is twofold or threefold, and one of them is: To what extent does this become a Federal interference in amateur athletics?

Because we have had panels, numberless people, saying: We want your help, but we don't want your interference. We want it to be restrained in circumspect and without all of the tie-ins which we've heard about.

And unfortunately, these same groups have come back later and they say: We like the help, but we found too much entanglement.

So, there are problems in any avenue of government, even probably in Baton Rouge, in staying sufficiently out of something, to let the local people, the experts take over and do it.

Another problem is establishing a precedent. Once you start making money, whether it's \$18 or \$20 million and next year it's \$25 million and then \$35 million, and then there's a lot of unmet needs.

If there is this wave of taxpayer revolt across the country, if California, your State, is at all a precursor of the future, then we're going to have an awful lot of demands on this Congress, where our dollars are going, so we've got to be careful that we are not committing them.

To make a long story short, I think everybody agrees: We'd like America to win the Olympic competition, and we're proud of your endeavors over the years.

So, let me, with respect to this bill, though, ask you—and I think, Mr. Naber, you talk in your statement, you talk about some kind of a group which would harmonize the differences or mediate the disputes. Could you give some examples of where disputes have occurred which have not been able to be resolved except at the hurt of the Olympian or at the hurt of the amateur athletes?

Mr. NABER. The hypothetical example—although it has happened; there have been international competitions where Americans have been invited to participate. That competition coincided with the NCAA collegiate season. The athlete wishing international competition at the expense of missing a local and dual meet opted to travel overseas to meet against other international athletes, representing his country.

The NCAA, at this point, would say, "Well, wait a minute. You're still under our jurisdiction. We would rather not have you leave. We would rather have you stay here."

If the athlete chooses to leave, he runs and finds himself ineligible for the rest of his career at the school. If he chooses to stay with the school, he finds that his international experience is being sharply curtailed.

Almost in either case, he comes out the loser.

Mr. MAZZOLI. I thank you for that. You said that was a hypothetical, and yet it happened. Could you supply some documentation to the committee of an individual who may have had that exact proposition?

Mr. NABER. I don't have the name, but I will have it for you.

Mr. MAZZOLI. I think it will be helpful to us that you're acting on this, to be sure.

Mr. NABER. May I react on one other point regarding the \$30 million that you were talking about?

I also mentioned in my facts that it's important to have the country see the support that amateur athletics have. In a \$30 million grant from the Government, I cannot guarantee, but speaking as presently a businessman, I would have to state that private industry will get on the bandwagon and say, "Well, hey, if that's a big deal to the Government, maybe we can support it."

If there is a single governing body for Olympic sports that they can make donations to and see that those moneys are properly used, you'll see that private industry will get more and more involved in donating and assisting that Olympic movement.

So, I don't think that a \$30 million donation or contribution makes us dependent on that money annually. I don't think that's necessarily the case. Granted, your fears are justified that it could possibly happen.

Mr. MAZZOLI. That would be marked up and reduced as time goes on.

Mr. Davenport, you have mentioned that you are connected with local government and because of the awareness and sensitivity of your mayor, you were able to participate in the 1976 Olympics, I guess, and perhaps in other ones.

And if I recall your statement generally, not everybody has the same kind of a boss, so to speak. Not everybody has the same kind of situation.

Could you, again, give us any detailed information, or supply it later, possibly, of people who you know could have made contributions to our Olympics but because of one thing or another they were unable to train, were unable to develop themselves in the type of way they have to be developed in order to participate in the Olympics.

Mr. DAVENPORT. Yes, sir.

I could give you one example of a young man from Baton Rouge. His name is Fred Newhouse. I've made many speeches throughout this country on athletics, especially at athletic banquets and so forth.

It is a point that is very difficult for the general public to understand, that it takes anyplace from 8 to 19 years to develop themselves to the Olympic quality.

And Mr. Newhouse, who was second in the 400 meters, Mr. Newhouse and I had a long discussion about why he did not win. My point is that he is just beginning to learn how to run the 400 meter.

Fred Newhouse is an engineer at Exxon. He has presently retired after the 1976 Olympic games because he has a family. He has to work, and Exxon does not really allow him the time to train.

That is the typical example of what I'm speaking of. In 1980, there's no question in my mind that Mr. Newhouse can be our new champion. Because of his retirement, because of his personal things, he has to retire.

Mr. MAZZOLI. I thank you for that.

Ms. Holum, with the climate of America, could speed skating ever become anything more than what it is: A fairly minor sport?

Ms. HOLUM. Well, you know, I made the comment that we had only two facilities, but I never commented as to what some of the other countries do with their sport.

The country of Holland, which is smaller than the State of Wisconsin, has 11 such facilities. And I realize—

Mr. MAZZOLI. Is that not because Holland is a cold country, where skating—

Ms. HOLUM. No; it's not. In fact, in the winter, it rains quite often.

Mr. MAZZOLI. Skating is not like the national sport there, in contrast to America where it is baseball or football?

Ms. HOLUM. It's a very popular sport. But one reason it's popular is because the facilities are available. If you don't have a swimming pool, you're not going to develop swimmers.

Mr. MAZZOLI. I guess what we're saying is: What comes first—the chicken or the egg? Is it because you skate that you develop the facilities, or is it because the facilities are there that you can develop skating as a sport?

Ms. HOLUM. Well, I think they work hand-in-hand. But in the United States, we have the facility in Milwaukee, in West Alice, and it's been there since 1967. And as a result of that, the majority of our skaters come from the midwest area because that is close to them.

Prior to that, the majority of the skaters came from California. But in the last Olympics, there were no Olympic skaters on the Olympic team from California; they were all from the midwest area.

Mr. MAZZOLI. Thank you very much, all three of you. You've made good witnesses, and when you are on the athletic field, you gave a lot of fine moments to America.

And this committee will try to go back at some point, after all the hearings today and tomorrow, to wrestle and come up with the right kind of bill.

Ms. HOLUM. Excuse me. Might I comment on one other statement? In your beginning remarks, you talked about Federal interference and that that was undesirable. And just to clear that up, this bill calls for the U.S. Olympic Committee to be the head organizing committee, and it does not call for Federal interference.

In other words, it would set up the Olympic Committee as taking care of all those problems.

Mr. MAZZOLI. I thank you. The only thing is: Federal interference is like beauty—it's usually in the eye of the beholder; you can see what you want to see.

But I appreciate your comment, and I thank you.

Mr. DANIELSON. Mr. Kindness.

Mr. KINDNESS. Thank you, Mr. Chairman.

Mr. Davenport, should there be a special provision in this legislation to deal with the questions and problems of the athletes in military service? Doesn't that involve some different considerations from other amateur athletes?

And I'm not quite clear on what ought to be the role of the military and the athletes who are in the military, in relation to this bill. Shall it be exactly the same in all respects? Isn't a person who is in the military service of the United States and paid on a full-time basis, who may be able to devote full time, maybe should be able to devote full-time training in competition, is in a little bit different category than the other people we're talking about now.

Would you care to comment in that area?

Mr. DAVENPORT. Yes, sir. They are in a different category. The examples that I gave in the very beginning—"Willie Davenport being in the right place at the right time"—I feel as though leading up to the 1972 Olympic games, that that was perhaps my avenue of making the 1972 team, is by rejoining the Army, because there were certain commitments that I had to fulfill and in order to make those commitments I would have to have an income.

Fortunately, I got the job I have now, but I had intention of going into the armed services to make the 1972 team and then get out.

Whether the provision should be made to those other athletes who are not members of the Armed Services, I have thought about it sometime ago, had a long discussion with President Ford, and he said, "What can the Government do to assist the athletes?"

My answer was to have them enter the U.S. service but not to perform those duties. However, it was a means and mechanism to pay those athletes, plus utilize the academies for the sports medicine, or the facilities, and the total medical care. That was my suggestion.

As I indicated before, this bill has inspired me. The sports medicine part is very important. I mentioned about the gentleman who beat me in the 1976 games. He admitted to me that he was drugged up. This is a means of study of some form of athletic competition.

So, whether special provisions should be made, I don't know. But I think there should be some serious consideration about what should be done for those athletes who are not in the military nor in college.

Mr. KINDNESS. What about the military facilities, bases which are closed, for example, or underutilized, as possible training sites? Do you have any thoughts on that?

Mr. DAVENPORT. I think that's an excellent idea. However, I think the Federal Government should not rent those to the U.S. Olympic Committee, which I have heard of. I have no proof, but there were some facilities that the Federal Government wanted to rent or lease to the U.S. Olympic Committee.

I think those facilities should be open. You have to remember, you have to man these facilities. If they're vacant facilities, there has to be some manpower.

The suggestion that I made to President Ford was to utilize those existing facilities, but have those facilities available for athletes when they're ready to perform. Swimmers may train at different hours than track people. It varies from sport-to-sport. The medical attention is quite different, too.

Mr. KINDNESS. I'll present this question to any of the panel who'd like to respond to it.

I'd like to ask you to describe for the subcommittee how do you feel that the new system of national governing bodies will work? And in connection with that, why shouldn't a multisport organization be a national governing body?

You indicate the problem about track people voting on issues relating to swimming and vice versa. But beyond that, are there some things we ought to consider in that respect?

Mr. NABER. You're asking how I would set up a structure to have one single governing body for all the Olympic sports?

Mr. KINDNESS. How would it work with the existing structure?

Mr. NABER. My impression is that the swimming discipline would fairly well take care of itself as far as a national competition within its own country.

When you get into international competitions, you have the International Swimming Federation, which can pretty well govern that.

My only involvement with track or any other sport comes under the Pan-American world championship, when the USOC could become involved.

In my opinion, it's during those competitions that the USOC and the single governing body would be most used.

Mr. DAVENPORT. I agree with that fact 100 percent.

However, I do feel as though that has to be well coordinated. Like the problems that John mentioned concerning the international competition with the collegiate, it has to be well coordinated, where one does not conflict with the other.

I think we can have a better operating program if it can be better coordinated. We can't just place constraints on our elite program. It's more that we not manufacture athletes, but we have to have those athletes exposed and the development of junior programs are important.

Mr. NABER. We also need the final say, so we need one definite authority to make up, to resolve disputes. And I'm ready to read into the record the examples.

Excuse me. This is from page 58 of the final report of the President's Commission on Olympic Sports, volume 1.

Mr. DANIELSON. Well, sir, if that's what it's from, we do have that in our files. I don't mind your reference so we can find it quickly, but we do have that in our files.

Mr. NABER. I won't go into that.

Mr. DANIELSON. I do thank you.

Mr. NABER. I talk about a high school gymnast who won one gold and two bronzes and was not allowed to compete in high school for the rest of the season. Page 59 of volume 1 of the President's report on Olympic sports.

Mr. KINDNESS. In that respect, do you see any reasoning that you consider valid behind the decisions to not allow Bart Connor, in the first example, to compete? Is there some basis?

Mr. NABER. The thing that I object to is the gentleman went off to the competition assuming he could return back to the status quo and still compete. There was a discrepancy in the decisions. Had he known his alternatives, had he been told, "Yes, you will be expelled; there's no alternate recourse," then his decision—he would have been responsible for that, himself.

Had the athlete known full well he would have been disqualified from future competition, then he deserves to be disqualified. Those decisions have to be once and for all, made by one governing body.

If your high school coach says, "Go ahead; we'll take care of you"; he goes and comes back and he finds he can no longer compete, thereby missing an opportunity for college scholarship, I think that something needs to be done.

Mr. KINDNESS. Do you happen to know what the reasoning was for the Illinois High School Association's ruling?

Mr. NABER. That was the State—decreed that he could not. That kind of activity had to be punished, I guess.

Mr. KINDNESS. Is this punishment?

Mr. NABER. I'm really not too sure. I'll pass.

Mr. KINDNESS. Is it sometimes the case that high school athletic authorities, whatever they may be, are concerned about this more-developed athlete having competed in tougher competition may be creating a greater risk for who he's competing against; for example, a health risk or injury risk?

Mr. NABER. I don't think that's the case at all, for an athlete of that stature who's going to go off and win gold medals.

I think that the chance of risk is the same across the board. I don't know very many high school coaches who would allow some second-string or third-string athlete to go into tough competition where he may be hurt.

I don't even see him being invited to the competition. I think the invitations go to the athletes whose opportunity or whose need for an opportunity is very, very real.

Mr. KINDNESS. I'm wondering about the other way around, whether possibly the Illinois people were thinking that this is like a pro returning to amateur competition and that would create a risk for the others who are competing in this.

Mr. NABER. I don't really think that's the case at all. I think that—once again, it's just my opinion as an athlete—but the State would be thinking, "Well, since that good athlete is over in Europe competing, then our own gymnastics program falls down in nation-

al status and recognition. It won't get on the front page of the sports section because he's not here to compete."

In other words, they're concerned about nationally, so they're concerned about their own program within their State.

Mr. KINDNESS. I'm informed that the Illinois statute deals with the amount of time spent away from school, and that's what the problem was.

Mr. NABER. Well, to my understanding, he was cleared through his teachers, et cetera. Although, legally, he did miss the classes, he was academically sufficient enough to allow that kind of absence.

I think we're dealing with the specifics here in this one case, and I'm not equipped to deal with this.

All I'm saying is that the athlete needs to have one voice telling him what his choice is.

Mr. KINDNESS. I realize it's difficult to generalize. Out of ignorance, I'm trying to get a feel for what are the considerations that seem to give rise to these problems. That is, what is it you're attempting to deal with? Because, on the other hand, we seem to have an indication that some people are quite concerned about local State control being lost to a national governing body. I want to try to understand.

Mr. NABER. Well, the governing body's advice would not be called upon until you get to the point where it's needed. And if the sport is running itself, I guess the USOC or the national governing body would not be needed until you get into the international competition.

Mr. DAVENPORT. Sir, I'd like to agree with John on the fact that it has to be some central governing body of this one individual saying, "This is the way it is."

I'd like to give you an example of what I'm talking about. My family raised me under the opinion that because I was a male that it was my obligation to this country to serve my time in the service to protect this country.

God gave me the talent to be an athlete, and I feel as though when I'm called upon to go represent this country in athletic competition, that it's my duty to do so.

We have to set priorities. I am in high school, but do I have the international ability to compete on an international level? And that governing body, with that sport, says that "Willie Davenport, we'd like for you to represent this country in world competition or whatever the case may be." Then, I think it's my duty to do so.

One should have precedence over the other. I think this is what John is saying. This is what I'm saying—that there has to be a governing body, sports authority, saying if I'm in high school, elementary school, college, or whatever, then when it comes to representing the United States, that has priority. We should look at that aspect.

Mr. KINDNESS. And we're going to propose that to State and local school authorities, for example, on the high school level.

Now, let's go on to a little bit better understanding of this arbitration section that's in the bill and in the USOC constitution.

Is it your understanding—I appreciate your thoughts from any of you—that the arbitration provisions would apply to high school

athletes? Are they given access to the arbitration process, assuming that little or no funds might be available to the athlete?

Mr. DAVENPORT. In my opinion, I feel as though the superstructure, or the vertical structure we were talking about, in the legislation, is that if there are members of the U.S. Olympic group A and group B members, that they would have to comply with the constitution and bylaws of the constitution.

Then, there are provisions for arbitration, and I use the same example. You have to set priorities, I think, in my opinion. I may be 100 percent wrong. I feel that if a high school individual—and the example that John gave—that they do have arbitration rights.

Mr. KINDNESS. Well, I get the impression that what underlies what we're talking about here today is a whole lot more involvement of the Federal Government and a whole lot more involvement of taxpayer moneys in the amateur athletic international competition area. The \$30 million, as you indicated, Mr. Davenport, is just a drop in the bucket compared to what would need to be done.

I'm just concerned about whether we have an exterior consideration of the money aspect of it. It really isn't thoroughly dealt with in this bill, and we're really here to talk about being concerned with the national governing bodies and the committees to give it more force and power. That's the first thing. The money aspect of it really seems to be something aside from that.

And do you, as a panel of athletes, think there's need for a whole lot more to be done that's not covered in this bill?

Mr. DAVENPORT. I think that's what I was alluding to when I said it was a drop in the bucket. It brings to my mind about the money aspect, which I've heard many comments about, is it really necessary for the \$30 million to be appropriated?

If we stop and think about all the foreign aids we're giving away to countries who don't particularly like us and we're still giving it to them, is it an efficient way to spend the taxpayers money? I don't know. I'm not that high in government to really elaborate.

I'd feel that we need to spend money on ourselves. We look at many of the training facilities that are needed and look at many of the things that are needed to be done within this country.

As far as our athletes are concerned, we are ambassadors from this country, and I think we are great ambassadors.

Training facilities, for an example? In 1968, there was rumors that Russia was computerizing a man to run faster in the 1,000 meters. If you look at every one of the Russian sprinters, they all practically run the same because they have come up with some mechanism.

You go to the foreign meeting. They're taking many pictures, ask you what time you go to bed, to the bathroom. All these type of things are important to an athlete. "What do you eat?" And I think this is where we need to spend our money.

Mr. KINDNESS. I certainly want to thank the panel for the testimony here today. I guess we're a little concerned about time, and my time is expired. But if there's anything that any one of you want to respond to—

Ms. HOLUM. I'd just like to say one thing. I think that we have to take this step. I think that this step is really crucial and really

important, and it's really just a beginning. If we fail to restructure our amateur sports system, then I think we're going to run into a lot of problems.

And as far as the financial situation, if we restructure, I think things will eventually take care of themselves. But I think that the main thing is that we get ourselves organized, we have some common goals and go out and try to achieve them.

And as it's set up with the vertical structure, I think that this is something that's going to happen as a result of this, but if all the different sports keep going in different ways, different goals, then I think we're going to just run into more problems.

Mr. KINDNESS. Thank you.

Mr. DANIELSON. Thank you.

Your 5 minutes has expired after 15 minutes. However, you asked some good questions.

I'm going to ask just a very few questions. I'd like an answer from each of you on this question.

This bill proposes to set up a restructuring of the organization of amateur athletics insofar as they look toward the Olympic or Pan-American competition, and it also provides for some financing.

If you could have one or the other but not both, which of the two would you prefer: the restructuring, or the financing?

Mr. DAVENPORT. You ask a very tough question.

Mr. DANIELSON. Well, it's supposed to be.

Mr. DAVENPORT. If I had the choice, I think that I would take the money. I feel as though the moneys will help make the restructuring and reorganization of the committee. I feel as though the moneys further develop our athletes, and this is the key thing.

And one comment I wanted to make—and I looked through this agenda here and I see many former athletes and many administrators of these organizations—but we, as athletes, are out there in the field, and many of us, we three here at the table, have been on the athlete level, administrative level; we are now a little further.

To answer your question point blank: the money.

Mr. DANIELSON. How about you, Mr. Naber?

Mr. NABER. I've already cited the specific statistics concerning the performance of the American swimming team. With those statistics in mind, I would have to say that our individual discipline is very well structured.

I agree with Mr. Davenport that we need more money to broaden our base so we could better develop.

Mr. DANIELSON. Thank you.

Ms. Holum?

Ms. HOLUM. Well, I have a little problem because, coming from a minor sport that's very unorganized, I feel the restructuring is very crucial for our sport. But also, the money is a very crucial thing, too. So, I'm really kind of torn.

We need to be restructured, and we also need the funds.

Mr. DANIELSON. You're sort of like the person who'd starve to death in the cafeteria line because he can't decide which dish to take.

Ms. HOLUM. Yes.

Mr. DANIELSON. That's supposed to be a joke.

I appreciate that you've all opted for money. In fact, Ms. Holum still has her foot on first base.

I'd like to ask this: The structure of the bill on money is it would be a one-shot situation. The representations of the witnesses so far have been that it would be a one-shot situation.

Confidentially, I've never heard of any kind of government financing as a one-shot situation, but this may be the first. There's the "first" for everything.

Now, assuming, though, that it truly is a one-shot situation, there would be no second helping next year, the year after, or forever more, will you still opt for the money, or would you opt for the reorganization?

How about you, Mr. Naber?

Mr. NABER. Well, basically, you're saying we can always use up the money, but the organization stays with us for a long time, is what you're saying.

I don't know. The question is: You can give a man a fish and it will feed him for a day, and you can teach him how to fish and you could feed him for a lifetime.

Mr. DANIELSON. Very well put. I'll have to remember it.

Mr. NABER. I said it. I said it.

I don't know. I think that the American swimming community has survived without your money for a while. I think we could necessarily do so again.

Mr. DANIELSON. Fine.

How about you, Ms. Holum?

Ms. HOLUM. Well, to be honest, I guess I would have to say that restructuring is very important.

Mr. DANIELSON. Thank you.

Now, on the restructuring—I'm not, as you can tell, very obviously, I'm not an athlete; I admire all you people who are, but, I even failed pool—on restructuring, they're taking about Olympic and Pan-American international competition type activities; am I right there?

Mr. NABER. I'd like to add something. You're also talking about a single set of rules that apply to both the NCAA and the AAU, where most of the conflicts are.

Mr. DANIELSON. On the types of athletic endeavors we're talking about, international and Pan-American sports; is that correct?

Mr. NABER. Yes. OK.

Mr. DANIELSON. We don't reach out into flycasting and so forth.

Mr. NABER. Oh, no, no. I agree.

Mr. DANIELSON. Would this organization, as you understand it, have anything to do with horseshoes you know, things that most country kids understand?

Mr. NABER. They are sports.

Mr. DANIELSON. You have a list. I don't want this complicated. I don't think that the organization we're talking about would try to complicate the entire picture of physical activity. It would be restricted to those things which potentially could become international or Pan-American?

Mr. DAVENPORT. I think that's the charter of the USOC.

Mr. DANIELSON. That's the way I understand it. But I wanted to be sure I was right.

All right. Well, it's a question that hasn't been answered, and, therefore, I want it answered.

Mr. NABER. There are sports under the present AAU jurisdiction which are not sports. These sports would be passed out to be autonomous, on their own.

Mr. DANIELSON. They wouldn't be under USOC, nor would they be under a governing board, then? They'd be a free agent type of activity?

Mr. DAVENPORT. No; they would still be under governing bodies.

Mr. DANIELSON. There would be a governing board for marbles, you'd say?

Mr. DAVENPORT. If they're a sport shooting marbles, yes.

Mr. DANIELSON. Very well. I didn't realize it reached that far.

You brought up the subject matter of sports medicine. Each of you has referred to it in one form or another. What do you mean by sports medicine?

Let's try Ms. Holum.

Ms. HOLUM. Well, what I mean by it is the research that's involved in the training, the physiological aspects, the nutritional aspects, the health aspects, that all go into the importance of improving your performance.

Mr. DANIELSON. You're not talking about curing a disease; you're talking about making the athletes better able to perform?

Ms. HOLUM. Right.

Mr. DANIELSON. Do you agree with that, Mr. Naber?

Mr. NABER. As far as I've been concerned, sports medicine across the board means doping up with hormones and blood doping. I don't care to see that incorporated in the United States, at all. But when I say sports medicine in the swimming circle, everyone points to East Germany, and they say, "You mean what they're doing?" No, we don't want that.

When you're talking about sports medicine, you're talking about diet, weight-lifting, strained muscles, and pulled ligaments.

Mr. DANIELSON. Strained muscles and pulled ligaments, any good orthopedist can handle that. I don't suppose you need specialists?

Mr. NABER. Well, there's athletic injuries that our athletes are prone to, certain kinds of injuries that require special attention.

Mr. DANIELSON. You feel that it is definitely something out of the ability of the average orthopedist?

Mr. NABER. Most definitely.

Mr. DANIELSON. How about you? Do you agree with that?

Mr. DAVENPORT. I agree with that.

Mr. DANIELSON. I think Ms. Holum was nodding her head affirmatively.

Ms. HOLUM. I agree, yes.

Mr. NABER. We get along, over here.

Mr. DANIELSON. That's all the questions I have of you, and I appreciate very much your testimony. You've been extremely helpful to us.

And Ms. Holum, you have good microphone technique. You speak into it. There are about 1 in 20 witnesses who speak into the microphone. You did a good job.

Thank you all very much.

Mr. NABER. Thank you for your attention.

Mr. DANIELSON. Our next witness would be Mr. David Maggard, director of athletics of the University of California at Berkeley, who is here as a representative of the National Collegiate Athletic Association.

TESTIMONY OF DAVID MAGGARD, DIRECTOR OF ATHLETICS, UNIVERSITY OF CALIFORNIA AT BERKELEY, CALIF., ACCOMPANIED BY MICHAEL SCOTT, COUNSEL FOR NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

Mr. DANIELSON. Mr. Maggard, you have presented us with a rather thick piece of paper here.

Mr. MAGGARD. Yes, sir.

Mr. DANIELSON. And I've looked through it. I'd like to suggest that you summarize your presentation, and we'll receive the entire statement into the record, if there's no objection.

If there is none, it's received.

[The prepared statement of Mr. Maggard follows:]

STATEMENT OF DAVID L. MAGGARD ON BEHALF OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

I am the current Chairman of the International Relations Committee of the National Collegiate Athletic Association. Since 1972, I have been the Director of Athletics at the University of California at Berkeley. Prior to that time, I coached track and field both at the high school level and at the University of California. In 1971, I was the head coach of the U.S. national track and field team. I am a former participant in intercollegiate athletics in the sport of track and field, and was privileged on several occasions to represent the United States in international competition, including the 1968 Olympics.

On behalf of the NCAA, I wish to express our appreciation to Chairman Danielson and the Committee for the opportunity to present our views on H.R. 12626. This bill, of course, is a direct counterpart to S.2727, which unanimously passed the Senate on May 8 of this year. It is a matter of record that the NCAA did not oppose S.2727, as it was reported by the Senate Commerce Committee and passed by the Senate, and we take no different position at this time on H.R. 12626.

As many persons in this room are aware, the NCAA initially voiced its opposition to the adoption of S.2036, forerunner of S.2727, during formal hearings before the Senate Commerce Committee last October. For sake of clarity of the record, I am providing the Committee, along with this statement, a copy of the NCAA's statement on S.2036. I believe it appropriate for me to explain the evolution of our position on this legislation, between October and May.

Initially, immediately following the USOC structural reorganization in April of 1977, the NCAA recommended that an amendment to the USOC Federal charter be enacted, the sole purpose of which would be to "lock up" the principal terms of that reorganization. The NCAA, even though not then a member of the USOC, had been accorded the opportunity to express its ideas with respect to appropriate features of the USOC reorganization, and many of those ideas were in fact adopted by the USOC membership. Based on its prior experience with the USOC—under which the USOC rules and policies were frequently changed for sake of expediency rather than on the basis of mature consideration—the NCAA thought it important, after a reorganization of such magnitude and difficulty, that the USOC charter reflect the terms of the reorganization, so that at least major changes would require an amendment to the Congressional charter.

However, when S.2036 was introduced in the late summer of 1977, it contained a number of substantive provisions either not reflected in the USOC reorganization, or at substantial variance therewith. Thus, for example, S.2036 called for a Federal grant of funds to the USOC, and by a variety of provisions, purported to give to the USOC a directory role over amateur sports activities in the United States. The NCAA was then, and is now, opposed to the concept of Federal financial assistance to amateur athletics and to the concept, for this country, of some kind of amateur sports superbody controlling the programs of all of our amateur sports organizations. S.2036 contained a goodly number of other provisions which the NCAA found offensive—although to be fair it also contained, particularly with reference to the

features of the USOC reorganization, a number of provisions which the NCAA enthusiastically supported. Certainly in this latter category are included the specification of standards of structure and performance for national governing bodies—which control the USOC and which for far too many years have been permitted to operate at their whim outside the reach of United States law or judicial review—and the provision for both a complaint and challenge mechanism by which these national governing bodies could be held to account.

Again, as most people in this room are aware, and as rather clearly expressed in the NCAA's statement on S.2036, the NCAA was also deeply concerned by the inclusion in that bill of a so-called athletes' bill of rights, the effect of which was to guarantee an absolute right to compete in all sanctioned international amateur competition. The NCAA at the October Senate Commerce Committee hearings expressed the view that such a provision was entirely unreasonable, in that while it took apparent account of the expressed interests of some athletes or former athletes, it took no account of the legitimate interests of the school-college educational community. Our comments on that portion of S.2036 are fully set forth in our statement on S.2036, and I do not intend to elaborate on them now.

If I may digress for just a moment, however, I should say that as a former participant in intercollegiate athletics, and in international competition on behalf of the United States, I personally find offensive the concepts which were contained in S.2036—involving as they did the claim of a right to compete internationally, entirely free of restraint, at a level higher than the rights contained in the first ten amendments to the United States Constitution, all of which—the Supreme Court has held—are subject to reasonable restraint. Reasonable persons may differ as to what restraints on competition are reasonable under particular circumstances, but I really question whether it is appropriate to advocate absolutism with respect to any right, or restraint thereon.

Be that as it may, through the leadership of Senator Stevens a series of formal and informal meetings were held in the months immediately following the October Commerce Committee hearings. During these meetings, Senator Stevens and the members of his staff gained an increasing knowledge of the real, as distinct from purported, issues involved in the administration of amateur athletics, and through their patient prodding, a series of compromises were achieved on a wide variety of subjects. Thus, for example, agreement was generally reached that the USOC was to have a non-directory coordinating role in amateur athletics, a substantial modification from the prior provisions of the bill.

Perhaps the most significant of these compromises, however, involved the understanding reached among representatives of the NCAA, National Federation of State High School Associations, the USOC and the USOC Athletes' Advisory Council, that each of these groups would support elimination from S. 2036 of a substantive athletes' bill of rights, and would support inclusion within an amended USOC Constitution, of substantive provisions with respect to the right to compete in important international events. The terms of this new constitutional provision are appended to my statement, under cover of a letter from the NCAA Executive Director seeking clarification of a number of USOC policies, as a prelude to application by the NCAA for renewed USOC membership. This compromise, which involved significant concessions on the part of all concerned, was in fact carried out: S. 2727, as the successor to S. 2036, simply required inclusion within the USOC Constitution of provisions with respect to these "protected" international events, the USOC Constitution was in fact amended by unanimous vote last April to include the agreed provisions on athletes' rights, and the NCAA rejoined the USOC after an absence of approximately six years, thereby subjecting itself to the terms of the new statement of athletes' rights contained in the USOC Constitution.

I am constrained to comment here that throughout this entire period of compromise and concession on the difficult and often emotional issue of athletes' rights, neither the AAU nor any of its sport committees was heard to express any reservations concerning the steps which were being taken. The first USOC body to consider the proposed compromise was its Legislation Committee, which included AAU President Ferrell. No dissent was expressed. The matter was then considered by the USOC Executive Board, which included several AAU representatives, including President Ferrell and President-Elect Helmick. No dissent was expressed. Then, at the USOC members meeting, held last April, the new USOC athletes' bill of rights was unanimously approved as an amendment to the USOC Constitution, with no dissent. At the same meeting, the USOC members were afforded an opportunity to raise questions concerning the provisions of S. 2727 as reported out by the Senate Commerce Committee and no one—including representatives of the AAU and its sport committees—raised any question concerning the appropriateness of the under-

standing which had then been reached on this portion of the bill. Again, with reservations not here for the moment relevant, S. 2727 was unanimously endorsed by the USOC membership.

I make these points simply because it is now my understanding that the AAU has taken the position that the bill now under consideration by your Subcommittee should contain a substantive athletes' rights provision such as that which appeared in the early version of S. 2036. In our judgment, this current AAU "position" is, on the record just cited, simply not credible. We believe, rather, that this new thrust is being advanced by some AAU diehards, who are seeking to rekindle active opposition to this legislation within the school-college community, in the hope that the bill will never reach the House floor or the President's desk. What these individuals are really concerned about, I submit, are the provisions of the bill which impact directly upon the way the AAU has operated for years—controlling franchises in a multiplicity of Olympic and Pan American sports without accountability to anyone except the international federations of which they are a member. The bill before this Subcommittee properly brings that era to an end.

On the issue of athletes' rights, I might point out, it was at the NCAA's suggestion that S. 2727 does not define the term "protected competition", thus leaving that term open-ended and permitting the USOC membership flexibility to alter the identity of protected competitions, if future experience so warrants. Given the AAU's current nationwide campaign to bring domestic long-distance running under its total control, through the withholding of sanctions and through disqualification of talented athletes, the wisdom of this NCAA suggestion should already be apparent.

And I further point out that it was the NCAA which successfully urged inclusion in the bill, as passed by the Senate, of a provision requiring representation in the USOC's governance and conduct of its affairs of a reasonable number of active or recently-active amateur athletes. Where was the AAU, now suddenly the bold protagonist of athletes' interests, on that critical issue?

I am also advised that the AAU now takes the position that S. 2727 does not reflect agreements reached between the AAU and the Senate staff during the course of the USOC meeting last April. Appended to my statement is the transcript of that portion of the April 1978 USOC meeting at which S. 2727 was discussed, and I invite the Subcommittee to compare the provisions of S. 2727, and the Senate Report thereon, with the conditions raised before the USOC by Mr. Helmick—President-Elect of the AAU. Such a comparison will demonstrate that with the exception of a proposed expansion of the definition of "international amateur athletic competition"—an expansion which in our judgment would have undesirable effects in some portions of the bill where this defined term is used—all of Mr. Helmick's suggestions were incorporated into the bill or into the Report thereon.

In this connection, there seems to be some confusion whether under the terms of H.R. 12626, the NCAA acknowledges the right of national governing bodies to sanction international competition engaged in by college students under its sponsorship. The NCAA does so acknowledge, as long as the standards for obtaining a sanction are set forth in objective and reasonable terms (as we believe they are in H.R. 12626), as long as the sanctioning authority is administered on a nondiscriminatory basis, and as long as the national governing body is structured and conducts its affairs in accordance with the standards of H.R. 12626. We do have reservations, which we have expressed to Senator Stevens and the Senate Commerce Committee staff, concerning the practical necessity for a sanction of regular-season college games in various sports, which are played against foreign college teams by American colleges at or near the Canadian or Mexican border, and which historically have not been sanctioned by the various national governing bodies. Senator Stevens in his statement on the Senate floor expressed the intention of the Senate Commerce Committee not to disturb this existing situation, and frankly on this narrow subject, we regard that as a satisfactory resolution of the problem.

I might add that in the past three months, it has been necessary for the NCAA to sue the AAU twice in order to gain the sanction for college students from its Division II championships to compete against Mexican college student-athletes in Mexico City, pursuant to a multisport agreement worked out a few months ago between the NCAA and the National Institute of Sports in Mexico. In both instances, the AAU initially took the position that it would be necessary for the NCAA to join or affiliate with the AAU, before such a sanction would be granted. In the second instance, involving track and field, the AAU initially refused to sanction the competition on the grounds that the agreement for the competition has been negotiated directly between the NCAA and its counterpart in Mexico, rather than between the AAU and the Mexican national governing body for track and field. In

both cases, when confronted with a motion for preliminary injunction, the AAU abandoned its prior position, and entered into an agreement sanctioning the event.

I think it important to note that on both occasions, the NCAA fully acknowledged the necessity for the AAU sanction, just as it acknowledged the necessity for sanctions from the other national governing bodies for the sports involved. All these other sanctions were readily and enthusiastically given. In both instances involving AAU sports, the NCAA agreed—as it had from the very outset—that the American participants would be required to register with the AAU and to obtain cards from the AAU certifying their eligibility as amateurs. Quite frankly, the NCAA regards the AAU's conduct in both of these cases as involving sheer harassment. For the record, I am attaching to this statement the settlement agreements which were worked out in each case.

I stated at the outset that the NCAA does not oppose passage of H.R. 12626. That we do not express ourselves more affirmatively on the question of passage essentially stems from our continued distaste for Federal financial or other intervention in the area of amateur athletics. There are, moreover, numerous changes or improvements in the bill that we could suggest in the interest of our member institutions, but in view of the lateness of the legislative hour, we believe the advancing of these suggestions could well have a counterproductive effect on the legislative progress which has already been achieved. We simply reiterate our comment, made to the Senate Commerce Committee, that if Federal financial assistance in the area of amateur athletics is at all seriously warranted, it should involve the provision of facilities and programs which can readily be enjoyed by the broadest base of participants, particularly including—in our view—underprivileged urban youth.

We do appreciate this opportunity to express our views on H.R. 12626. I would be more than happy to answer any questions you may have on testimony thus far. Thank you.

STATEMENT OF WALTER BYERS ON BEHALF OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

My name is Walter Byers; I am the Executive Director of the National Collegiate Athletic Association (NCAA) an unincorporated association of over 700 four-year colleges and universities throughout the United States. The NCAA, by action of its member institutions, adopts and enforces rules relating to the conduct of intercollegiate athletics, pursuant to the fundamental statement of policy appearing in its Constitution:

"The competitive athletic programs of the colleges are designed to be a vital part of the educational system. A basic purpose of this Association is to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body, and, by so doing, retain a clear line of demarcation between college athletics and professional sports."

We have been asked to testify on S. 2036, now under consideration by this Committee. We appreciate the opportunity to do so, but in candor I must report the NCAA doubts the wisdom and desirability of many portions of S. 2036. I hope our view can be adequately explained in the context of the major relevant events which have occurred since the Munich Olympic Games of 1972.

As is well known to members of the Committee, a variety of occurrences in connection with America's participation in the Munich Olympics led many individuals, including many members of Congress, to question the adequacy of the organizational structure of this country's international amateur athletic effort. The NCAA, which for some time had shared these concerns and was convinced that the heart of the difficulty lay with an unresponsive and mismanaged United States Olympic Committee (USOC), resigned from the USOC shortly after Munich, and called for a thoroughgoing reorganization of our Olympic and international athletic undertaking.

Contemporaneously, and principally in response to USOC performance in connection with the Munich Games, a number of legislative proposals were introduced in both Houses of Congress—a common thrust of which was to require that the various so-called national sports governing bodies, which enjoyed voting and de facto control over USOC affairs, be forced to reorganize themselves, in order to cause them both to be representative of the various interests in the amateur sports they respectively purported to govern, and to be subject to adequate review mechanisms by which their qualifications to "govern" could impartially be judged.

Of these various proposals, only one—S. 3500, sponsored by Senator Pearson—reached the floor of either House. S. 3500, among other things, would have established objective and appropriate criteria for an organization to act as a national

governing body, and would have created a Presidentially-appointed amateur sports board to judge compliance with these criteria and to handle proceedings in which a domestic sports organization, believing itself better qualified than the incumbent to meet such criteria, could mount and be fairly heard on a "challenge" for national governing body status. S. 3500 also contained provisions for the purpose of protecting an athlete's right to compete in international competition, free from improper restraint. As most members of this Committee are aware, S. 3500 passed the Senate by over a two-thirds vote in the summer of 1974. No action was ever taken on that bill in the House of Representatives.

During the same period of legislative activity in the Congress, the USOC—opposed as it then was to a Federally-imposed reorganization of its affairs and, most particularly, to the establishment of a Presidentially-appointed amateur sports board—began its own process of internal reorganization. These efforts resulted, in December, 1974, in the adoption of certain changes in the USOC Constitution which, in the judgment of the NCAA and others, were entirely inadequate to create any meaningful change in the way in which the USOC conducted its affairs. While the USOC adopted modest standards for an organization to act as a national governing body—and thus to become one of the controlling members of the USOC—it did not adopt any meaningful provisions by which a national governing body could be held to those standards, and more specifically, it adopted a procedure for challenging national governing body status which—in contrast to the Pearson Bill—was entirely and obviously slanted in favor of the existing national governing body.

Congressional and other pressure for a thoroughgoing study of this country's international sports effort continued throughout early 1975, and in mid-1975, President Ford appointed a Commission on Olympic Sports, the purpose of which was to determine "those factors that impede or tend to impede the United States in fielding its best teams in international competition." The Commission, as you are well aware, held a series of hearings in late 1975 and in 1976, and issued its report in January of this year. Principal features of the report included the concept of a so-called central sports organization, articulation of detailed and meaningful criteria (drawn principally from S. 3500) for acting as a national governing body, establishment of a fair mechanism for arbitration of national governing body disputes and establishment of procedures designed to guarantee an athlete's right to compete in important international competition, free from unreasonable restraint.

After review of the Commission's report, the NCAA found itself generally supportive of most of the Commission's conclusions, although it expressed major reservations concerning the concept of a central sports organization, controlled by representatives of the various national sports governing bodies.

With the issuance of the PCOS report, the USOC in early 1977 undertook a further reorganizational effort. To the credit of the current USOC leadership, the USOC on this occasion solicited the views not only of the national governing bodies and of the members of the PCOS and its staff, but also of the American school-college athletic community, including representatives of the NCAA. For the first time in many years, there existed—and there exists today—a positive attitude between the USOC leadership and the NCAA. The result of this communication, which also was participated in by several of the national governing bodies, was the USOC meeting at Colorado Springs, in late April, 1977, at which, in the judgment of many, truly significant reorganization steps occurred. Principal among these were—the establishment of detailed requirements for national governing body status, including the requirement that national governing bodies be autonomous the establishment of an internal complaint procedure, by which aggrieved persons may bring to the attention of the USOC failure of a national governing body to meet the newly-established criteria for such status; and a fair arbitration procedure, by which challenges for national governing body status can be objectively heard. On paper, the structure and operating methods of the USOC have been dramatically changed, and while only time will tell whether the new standards and procedures are workable, the NCAA is somewhat optimistic that they will be.

Following the USOC Colorado Springs meeting, representatives of the NCAA—which has under active consideration the question whether to make application to rejoin the USOC—advised the USOC leadership that it favored Federal legislation for the limited purpose of memorializing in the USOC Federal charter the basic principles of USOC organizational change which had taken place at Colorado Springs. The NCAA felt that in view of the importance of the organizational changes, some means should be devised to make reasonably certain that the reorganization did not fall apart just as soon as the new constitutional requirements began to take practical effect.

This remains the NCAA view—specifically, since the USOC asked Congress to grant it a charter in the first place and since the USOC is the officially designated, exclusive representative of the United States in international Olympic affairs, it seems appropriate that certain key elements of its membership requirements and related procedures should be a part of the Federal charter. The recent USOC reorganization has involved an internal, private process, successfully undertaken and implemented, and it would appear the only philosophical justification for Federal legislation at this point is to include within the USOC charter the fundamental organizational principles which were worked out at Colorado Springs.

Substantively, S. 2036—while it in part deals with the accommodations reached at Colorado Springs—concerns itself with a number of other subjects and also contains provisions, within the context of the Colorado Springs reorganization, materially at variance with the actions of the USOC. Had not the USOC Colorado Springs reorganization been a deliberate and direct product of the five-year history referred to above, and were there not such present promise that the USOC reorganization spells the beginning of a new era of cooperation and forward movement for this nation's international athletic effort, one might view more sympathetically those changed or added provisions in S. 2036. At this point, however, the NCAA would rather observe the workings of the Colorado Springs reorganization under the current leadership of the USOC, than to encourage the Congress to legislate and thereby extend the heavy hand of the Federal government into new areas of amateur athletics.

The NCAA is unenthusiastic about Federal legislation which would do more than merely commemorate in the USOC charter the terms of the reorganization already achieved. The simple facts are that the member institutions of the NCAA already are chafing under far too many governmental dictates which many educators believe place the Federal bureaucracy in a dictatorial role as to admission policies, staff hiring practices and the integrity of research, to mention only three areas of prominent concern. There is no desire for further Federal intrusion into the management of institutions of higher education.

With this statement of general approach, it is perhaps important that we also deal with two or three of the major subjects referred to in S. 2036, which were not encompassed by the USOC reorganization. The first of these, which appears both in the general statement of findings and purpose of the legislation and in the enumeration of the proposed new powers of the USOC, is the direct or implied granting to the USOC of powers with respect to domestic amateur athletic competition. These provisions are an apparent outgrowth of the PCOS recommendation in favor of a United States "central sports organization," although a close comparison of S. 2036 and the PCOS report demonstrates that the proposals of the latter for Olympic domestic authority are substantially more modest than those contained in S. 2036.

The NCAA has no inherent objection to the establishment of the USOC, as presently structured, as the coordinating agency for this country's international amateur sports effort. The NCAA is opposed, however, to control over domestic athletics being granted to any "central" organization, whether the PCOS's central sports organization or the USOC as presently organized, when that organization is controlled by the national governing bodies. These national governing bodies (i.e., Group A members, sometimes referred to as international franchise holders) are the respective United States members of various foreign international sports federations and, in effect, serve at the pleasure of the international federations—which are entirely beyond the reach of United States law or public policy.

If the USOC is to be given any significant domestic authority (and we oppose this concept), then in the NCAA's judgment it should be controlled by domestic interests and not by national governing bodies who owe their fundamental existence and allegiance, not to the United States, but to private international sports federations which are located abroad and which enjoy a de facto and probably under our law, illegal, monopoly over international amateur sports competition.

Second, the Bill calls for the authorization of \$20,000,000 in Federal general revenues, to be used by the USOC for the primary benefit of the national governing bodies, and for development of regional training sites. We understand from the USOC leadership that it seeks such a grant of Federal funds, and obviously whether or not the USOC should appropriately receive these funds is a matter between it, the Congress and the President. The NCAA thus takes no position on this provision of the Bill, except to raise the question whether national priorities do not require that at least equal and probably greater consideration be given to the authorization and appropriation of Federal funds for the purpose of increasing broad-based sports development and athletic opportunities for the youth of this country. We read in the newspaper almost weekly, for example, of the elimination of financing for secondary

school athletic programs across the country and the lack of funds necessary to make the athletic facilities for primary and secondary schools available to our youth during non-school hours and summer vacations. Quite often, the media at the same time report the lack of employment opportunities for teenagers and lament the fact that too many of our youth are throwing rocks instead of balls.

When talking about the use of Federal funds for development of the athletic elite—the future world-class athlete—are we possibly getting our national priorities out of order? Should we not be equally concerned, or more so, with the expansion of sports opportunities for inner city youth and others by utilizing the facilities of our primary and secondary schools? The facilities are there. The pressing need is for financing to turn the key. Isn't this of more importance, in the long run, than providing assistance to national governing bodies and the development of regional training sites for potential international superstars? We think such questions require careful examination by the Congress.

Finally, we should refer to that portion of S. 2036 which purports to establish a Federal "Athletes Bill of Rights." As written, the Bill bears no resemblance either to the terms of S. 3500—which three years ago passed the Senate by a two-thirds vote—nor to the legislative proposals of the President's Commission on Olympic Sports.

In effect, the Bill grants to athletes an unimpeded right to compete in all international amateur athletic competition sponsored or sanctioned by a national governing body. As a practical matter—as anyone familiar with the amateur athletic community is well aware—the Bill thus encompasses all international competition. S. 3500 or the Pearson bill contained a similar provision, but also contained an exception in favor of restrictions imposed by educational institutions, or associations thereof, designed to advance the educational interests of the students themselves or to protect regular programs of athletic competition in those institutions. The PCOS report proposed legislation almost identical to the Pearson Bill, except that only individual educational institutions, and not associations thereof, could impose restrictions based upon educational welfare or regular programs of athletic competition.

There is a marked tendency of many individuals to oversimplify the practical issues underlying an athlete's opportunities to compete internationally. Equally unfortunately, emotion rather than reason seems inevitably to become the principal ingredient of discussions of this matter.

Let me ask: Does an athlete, when he becomes a member of an athletic team, have any obligation to observe the conditions which he agreed to when he became a member of the team? Does an athlete have the right to quit a team realizing he may or may not be accepted back when he chooses to rejoin that team? Does a team sponsor—whose investment in time and money finances the competitive opportunities for the athlete—have an equity in seeing to it that opportunistic promoters do not destroy the effectiveness of the team? Is it reasonable to protect the integrity of domestic USA sports programs against the blandishments of profit-seeking international promoters?

We answer these types of questions in the affirmative, and we support any set of guiding policies in this area which recognize these principles.

As to the NCAA, let it be remembered that it is an association of educational institutions and these institutions conduct the most advanced and effective amateur sports programs in the United States. The uniform rules of the NCAA are adopted by its own member institutions as a matter of voluntary self-regulation. What NCAA detractors choose to ignore, or tend to forget, is that the NCAA—virtually alone among the principal amateur athletic organizations in this country—is constrained by the Fourteenth Amendment to the Federal Constitution only to implement those rules and procedures, relating to amateur athletic competition, which it can defend constitutionally as reasonable under all the circumstances. The NCAA has been identified by the Federal courts as "state action" and has been subjected to numerous proceedings in Federal court, involving constitutional challenges against the rules adopted by its member institutions. Virtually without exception, the NCAA's rules and hearing procedures have been sustained by our Federal courts as reasonable under the Fourteenth Amendment—or stated otherwise, the Federal District and Circuit Courts of Appeals have held that the NCAA rules and implementing procedures are reasonable when in a particular factual context, both the legitimate interests of the individual and the educational athletic community are taken into account. As a practical matter, under existing law, if the NCAA rules treat an amateur athlete unfairly or unreasonably, the NCAA is subject to injunctive restraint in Federal Court.

I do not believe there is a single amateur athletic organization which is a party to today's subject matter which has been held by Federal Court decisions to be restrained by U.S. constitutional controls to which the NCAA must answer.

It seems rather clear at this point that advocates of this particular provision in S. 2036 do not want a standard of fairness or reasonableness applied to an athlete's right to compete in international competition. In effect, they argue that the right of an athlete to compete internationally is so fundamental a right, constitutional or otherwise, that it rises to a level higher than individual rights contained in our Federal Constitution—all of which, even including the right of free speech, are subject to reasonable restraint. The NCAA believes that this matter of individual rights, like many other matters of individual rights in this country, is subject to examination based both upon the reasonable interests of the individual and the reasonable interests of the community—in this case the amateur athletic community—of which that individual is a part.

Further, as is too often the case, the most well-intentioned theorists usually bear no responsibility for the financial and other practical consequences which flow from the application of their theories. The institutions and administrators I represent do not enjoy that insulated luxury. They are responsible for raising the funds and generating other support for varsity sports programs, the vast majority of which are non-revenue programs. They have an equity in these proceedings in behalf of maintaining those programs and in behalf of the thousands of young people who participate in them each year.

It should be evident to any student of the amateur athletic scene that the inter-organizational disputes of the past have been substantially ameliorated, and that, as one principal consequence, examples of unwarranted interference with international athletic competitive opportunity are rare. We hope and have reason to believe also that the USOC reorganization will contribute to stable conditions in this regard.

In summary, the NCAA finds in S. 2036 a limited number of provisions are the ones which have the effect of codifying the reorganization undertaken by the USOC at Colorado Springs. We do wish to express our appreciation to the sponsors—Senators Stevens, Culver and Stone—for their very effective role in the deliberations of the PCOS which resulted in the USOC Colorado Springs reorganization. The fact that they took the time to lend their prestige to the PCOS deliberations and to follow up with proposed legislation is responsible for many of the improvements that have taken place within the USOC

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION,
New Concord, Ohio, February 15, 1978.

Col. F. DON MILLER,
Executive director, U.S. Olympic Committee,
Olympic House, New York, N.Y.

DEAR COLONEL MILLER: As you know, representatives of our two organizations have in the past few weeks engaged in rather intensive discussions concerning the basis upon which the NCAA would find it appropriate to apply for renewed membership in the USOC. These discussions have essentially resulted from recognition by the leadership of both organizations that continuing development of this nation's international amateur sports capacity would now be better served by a formalization—in the form of renewed NCAA membership in the USOC—of the more cooperative USOC-NCAA relationship that has begun to emerge in the last several months. By taking such a step, the NCAA trusts that our member institutions—which in the aggregate expend each year well over \$425 million on intercollegiate athletic programs—will have the opportunity for a more direct participatory role in the USOC's management, and international activities on behalf of the American amateur athletic community.

At the same time, we believe it important—so as to avoid any misunderstanding as to the meaning of renewed USOC membership by the NCAA—that we specifically articulate the bases upon which such an application would be made and upon which continuing NCAA membership, if the application were accepted, would be predicated. These are as follows:

1. Based upon conversations with you and President Kane and as essentially stated in your letter to Brice Durbin of February 3, 1978, we understand that the USOC does not seek, or will it attempt to exercise (except with reference to trials for the Pan American or Olympic Games), direct or indirect jurisdiction over domestic amateur athletic competition. As you know, we fully support this principle.

2. We understand that the USOC leadership will vigorously enforce the new criteria for USOC Group A membership, and will not simply rely for such enforce-

ment on the complaint and franchise arbitration procedures now contained in the USOC Constitution.

We cannot overemphasize the importance of this consideration to the NCAA and, in our judgment, to the integrity of the "vertical structure" principle of the USOC 1977 reorganization.

We are aware from your letter to Mr. Durbin that the USOC is reviewing on a continuing basis the organic documents of each Group A member, to determine compliance with Group A membership criteria. We fully agree with this policy. Such a review would not disclose, however, whether for example a particular Group A member is failing to meet the criterion that there be included within its governing board a reasonable proportion of representatives of national organizations active in its sport. Nor would such a review disclose failure to comply with many other Group A criteria; e.g., lack of autonomy by virtue of contractual agreements with others failure to maintain a fair-handed sanctioning policy, failure to maintain a comprehensive program in its sport. In view of the importance of the Group A membership criteria to the overall integrity of the USOC structure, we would expect the USOC leadership to develop (and we will vigorously support such a move) additional methods for assuring compliance with such criteria; e.g., creation of objective standards for reasonable organizational representation on the Group A governing boards, requirement of certification of compliance with all criteria prior to allocation of development funds, independent investigation or audit of compliance by USOC staff personnel.

3. The USOC will, at its April 1978 membership meeting, replace current Sections 6 through 9 of Article II of its constitution with the materials attached hereto as Exhibit A.¹

With respect to these new provisions—which purport to state circumstances in which a USOC member will not interfere with competitive athletic opportunity—we understand as follows:

(a) The internal USOC procedures and arbitration procedures described in Section 8 would apply only in the event of interference (described in Section 6) by a USOC member with the opportunity to participate in a competition described as "protected competition" in Section 7. If the dispute does not fall within these limits, arbitration of the dispute by a USOC member is not required under the USOC Constitution, as so amended. Thus, if a USOC member interfered with an opportunity to compete in an athletic event not described in Section 7, the provisions of Section 8 (including those as to arbitration) would not apply.

(b) Sections 6 through 8 apply to USOC members only. These Sections do not apply to, or restrict, the conduct of a member of a USOC member; e.g., if the NCAA were to rejoin the USOC, these Sections do not apply to, or restrict, a member university or member conference of the NCAA.

(c) Under Section 9, however—if an athlete could persuade the USOC Administrative Committee of a meritorious case showing interference with international competitive opportunity outside the specified context of Sections 6 through 8, the USOC might finance the individual in a court action against the alleged offending organization, whether such an organization is a USOC member or not.

We set forth these interpretations simply to make certain that our understanding of the substance of these provisions is clearly stated. Unlike any present USOC member, the NCAA has in recent years been called upon as the "state" to defend a large number of court cases, the purpose of which has normally been to test the validity or "reasonableness" of NCAA rules or actions under the Fourteenth Amendment. The expense of defending these cases has been substantial. As you are aware, however, the Federal courts have almost invariably sustained NCAA conduct in these actions.

The provision attached hereto as Exhibit A contemplates the possibility that a private arbitrator, rather than or in addition to a Federal judge, could be called upon to review NCAA actions. We do not embrace such a possibility. We in fact believe, however, that if our understanding of the attached provisions is correct, this possibility is remote. If the NCAA rejoins the USOC, it simply expects to abstain from any action as to "protected competition," as to which arbitration is the stated mechanism of relief, and therefore it does not anticipate being involved in such arbitration. As to possible actions under Section 9, which by definition would relate to competitions other than "protected competition," we are perfectly prepared—as in the past—to defend the propriety of NCAA rules, before a court.

¹ We understand it is also proposed to add the materials attached hereto as Exhibit B as new paragraph (8) of Article II, Section 1 of the USOC Constitution. These materials would then represent a policy statement of USOC object and purpose, but only the materials set forth in Exhibit A would, if the NCAA were to become a USOC member, represent the NCAA's commitment in this context as a USOC member.

4. We fully expect that the USOC will, in the granting of development funds to Group A members that are not financially self-sufficient, maintain a distinction between those which are in such state (a) because of the nature of and U.S. interest in the particular sport, on the one hand, and (b) because of ineffective discharge of the Group A responsibility, on the other hand.

The USOC has a substantial amount of money to allocate to Group A members, ostensibly for the development and advancement of the sports for which the various Group A members are responsible. Without question, there are a number of Olympic and Pan American sports which have not achieved sufficient public acceptance within the United States to generate the financial support necessary for the responsible Group A member to be self-sustaining; i.e., financial support either in the form of ticket purchases for the events, or donations to subsidize the sport's management structure and events. We understand in these instances that it is and will be the policy of the USOC to provide financial assistance for worthy projects of Group A members in the so-called "undernourished" sports, to the end of developing better athletes and teams to represent the United States in international competition. The NCAA supports such a concept.

There are other sports, however, which have sufficient public acceptance within the United States that, under good management, energetic direction and competent promotion, the acceptance of such sports could be extended and reach a level of self-sufficiency in all aspects or, at the least, certainly in most aspects. An ineffective Group A member, in such a sport, might seek USOC financial aid when in fact, if the franchise holder was performing efficiently, it would not need such USOC support. Further, there is the possibility that an ineffective Group A member in such a circumstance might be under challenge from another domestic organization and the challenged Group A member would seek USOC financial underpinning in certain activities which, in turn, would free up other funds of the Group A member to fight off the challenger and meet expenses preliminary to or in the arbitration proceedings.

The NCAA accepted the vertical structuring of the USOC as a positive step forward only if the arbitration procedure is a fair and balanced one, to the end that ineffective Group A members can be held to account. This certainly is in the best interests of the athletes and our nation—that is, we should have the very best leadership organizations holding Group A memberships. Having accepted the vertical structure concept, it would be hypocritical in the matter of policy and disastrous as a matter of practicality if the USOC were to use funds contributed to the advancement of our international athletes and teams to subsidize weak Group A members, by bailing them out of their inadequate programs or underwriting their expenses in resisting challengers. As a USOC member, we would thus aggressively support the development of USOC policies designed (a) carefully to scrutinize the adequacy of effort by the various Group A members, and (b) to deny USOC assistance to inadequately managed programs. Any lesser a policy, we suggest, is inconsistent with the fundamental concept of the PCOS Report and the USOC reorganization itself.

5. The USOC will give particular attention to the need for appointment to its various committees of additional knowledgeable representatives of the school-college community.

You have been kind enough to provide us with rather detailed information concerning the present composition of the various USOC committees, including particularly those committees that we presently regard as among the more important on a continuing basis: The Administrative Committee, the Budget and Audit Committee, the Committee on Development, the Games Preparation Committee, the Committee on Legislation, the Committee on Membership and the Committee on Eligibility.

Our general impression is that the school-college community as a whole is rather severely under-represented on many of these committees, and we seek assurance from yourself and President Kane that a good faith effort will be made to improve the current situation.

As to the Administrative Committee, we recognize that it is not within either your power nor that of President Kane to alter its present composition. You will recall that the NCAA proposed, during the course of the USOC reorganization, that the composition of this Committee consist of six officers and seven other members. The USOC voted instead to have the Committee consist of the six officers and five other members, of which only one could be drawn from nominees of the Group B members. Frankly, given the fact that the high schools and colleges of the United States provide, without any argument at all, by far the largest input into amateur athletic development in this country, we regard this situation as unrealistic.

As to the other committees referred to above, it seems rather clear to us that it would not be inappropriate for President Kane seriously to consider the appointment of additional NCAA Representatives to each of these committees, and particularly, in our judgment, to the Committees on Development, Budget and Audit, Legislation, Membership and Eligibility. We understand from you and President Kane this serious consideration will occur; we do not believe it appropriate that this letter contain precise "nominations" or other understandings with respect to the appointment of particular individuals to particular committees. We would simply look forward to discussing this matter with you over the next few weeks.

We trust that the foregoing represents a clear statement of the NCAA's understandings and expectations, in making application for renewed USOC membership. It is obvious that one item discussed above—involving USOC adoption of materials attached hereto as Exhibit A—requires specific prior USOC action, and cannot be fulfilled in the ordinary course until the annual USOC meeting in April. Assuming this step occurs, and assuming that nothing occurs in the interim to cause us to lose our present faith in the intentions of the USOC leadership as to our remaining stated expectations, we would see no further impediment to a prompt NCAA application for USOC Group B membership. I am authorized to state our commitment so to apply.

You have asked that we include in this letter a statement of NCAA position on current legislative proposals, relating to various aspects of the administration of amateur athletics, now under consideration in the Senate Commerce Committee. In candor, we regard this position as not relevant to the issue of renewed membership in the USOC. As you know, however, we are on record as opposing these legislative proposals—involving, as they do in several particulars, further proposed Federal interference or Federally inspired interference with the conduct by our member institutions of their athletic programs. Bluntly, our member institutions are "fed up" with continuing Federal efforts to control the educational process, of which intercollegiate athletics is an integral part.

You have advised us that these proposals are now under revision. We are of course prepared to review any such revision, to determine whether the grounds for concern expressed in our testimony and written submissions to the Committee have been eliminated. We are certainly prepared to discuss these matters with you further in good faith.

Cordially yours,

WALTER BYERS.

Attachments.

Proposal: *delete* Sections 6 through 9 of Article II, and substitute the following:

Section 6. No member of the USOC may deny or threaten to deny any amateur athlete the opportunity to compete in the Olympic Games, the Pan American Games, world championship competition, or other such protected competition as set forth in Section 7; nor may it censure, subsequent to such competition, or otherwise penalize, any such athlete who participates in such competition.

Section 7. As used in Section 6 of this Article, "protected competition" means any international amateur athletic competition in a sport included within the calendars of the Pan American or Olympic Games: (a) the terms of which competition require that the entrants therein be teams or individuals representing their respective nations; (b) the United States team or group of individuals for which is officially designated as representing the United States by the appropriate Group A member; (c) the United States team or group of individuals for which is selected, organized and sponsored by the appropriate Group A member; and (d) the United States team or group selection process for which is made on a national qualification basis, through a defined selection or tryout process, publicly announced in advance. Except for domestic amateur athletic competition expressly restricted to members of a specific class of amateur athletes (such as high school athletes, college athletes or members of the Armed Forces), the term "protected competition" shall also include a domestic amateur athletic event or tryout organized and conducted by the appropriate Group A member, and announced in advance to prospective entrants and publicly by such Group A member as directly qualifying a successful competitor therein as a member of the United States team or group of individuals for participation in protected competition referred to in the first sentence of this Section.

Section 8. Any amateur athlete who alleges that he or she has been denied by a USOC member a right established by Section 6 shall immediately inform the Executive Director of the USOC, who shall promptly cause an investigation to be made and steps to be taken to settle the controversy without delay. Without prejudice to any action that may be taken by the USOC, if the controversy is not settled to his satisfaction, the athlete may submit to any regional office of the American

Arbitration Association for binding arbitration, a claim against such USOC member documenting the alleged denial not later than six months after the date of the denial; except that the Association (upon request by the athlete in question) is authorized, upon forty-eight (48) hours' notice to the parties concerned, and to the USOC, to hear and decide the matter under such procedures as the Association deems appropriate, if the Association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by procedures would not be likely to produce a sufficiently early decision by the Association to do justice to the affected parties. By maintaining membership in the USOC, each USOC member agrees that any such aforesaid controversy may be submitted to binding arbitration as provided in this Section and agrees to be bound by the arbitrators' award as a result thereof.

Section 9. Any amateur athlete, who alleges that he or she has been denied, whether or not by a USOC member, an opportunity to compete in any international amateur athletic competition not protected by the terms of Section 6, shall immediately inform the Executive Director, who will consult with the Counselor (or Assistant Counsel) to determine whether the situation appears to be of sufficient seriousness and relevance to the obligations or responsibilities of the USOC under its congressional Charter to warrant action by the corporation in support of the athlete's claim. In the event that action by the USOC appears to be warranted, the matter will be referred to the Administrative Committee, which will decide the nature and extent of the action to be taken in the case.

Section 10. The rights granted to athletes under Sections 6 through 9 of this Article shall equally apply to any coach, trainer, administrator, manager or other official seeking to participate in the conduct of international amateur athletic competition.

EXHIBIT B

Proposal: Add the following paragraph at the end of Section 1 of Article II:

Section 1(8). . . . to protect, by all lawful means at its disposal, the right of every individual who is eligible under reasonable national and applicable international amateur athletic rules and regulations, to participate if selected (or to attempt to qualify for selection to participate) as an athlete representing the United States in any international amateur athletic competition, if such competition (conducted in compliance with reasonable national and applicable international requirements) involves any sport included in the Olympic Games or Pan American Games program during the Olympiad period concurrent with such participation or the attempt to qualify for participation.

Mr. MAGGARD. So, with that, I will conclude my report on the National Sports Festival, and open the discussion on legislative bill 2727. Now, what I would like to do at this juncture is to ask Colonel Miller if he will correlate the discussions, because he has been so much more closely connected with the discussions on this bill that I'd feel a lot safer if he were at the microphone. So, Don, if you would please?

Colonel MILLER. Mr. President and ladies and gentlemen, in your folders—and, I am sure this is no surprise, because I have noticed many of you studying the legislation, H.R. 2727, very carefully—is the most recent and final copy of the draft of the Amateur Athletic Act of 1978. Here, once again, is a document that contains the representative thoughts of amateur sports in the United States. As you know, from the very beginning of the discussion of legislation, Mr. Kane and myself were mandated by our executive board to work toward having included in legislation the Constitution of the U.S. Olympic Committee, with your most recent revisions to the Constitution and, particularly, as pertains to the athletic bill of rights.

The legislation in its present form, with some minute exceptions—or, some exceptions, I should say, though they may be major—does represent the USOC's constitution. Since our meeting of our executive board, in February, when I was accused of—real or imagined—making a passionate plea for patience and working together and trying to mediate any final points of this legislation by all parties of concern, much has been accomplished, from that point in February to what is currently represented in the context of S. 2727. Here again the spirit of cooperation, interest and willingness to give on many individuals' parts has absolutely been astounding and, in my judgment, in the best interests of amateur sports.

As recently as yesterday, and continuing on, today. Points in this legislation were being mediated and considered and I am happy to report to you, as I understand it at this point, we have reached an accord.

Now, I am not prepared to address the points where the accord had been reached—and, with your indulgence, I would like to call on Mr. Bob Helmick, if he would, please, to give this body the points of accord that have been reached at this time. Bob?

Mr. HELMICK. Thank you, Don. I think we must have a very successful bill, at this point, because I can report that all parties are now equally dissatisfied with it [laughter] from our various points of view—but, accord, we seem to have. I would like to make a couple of preliminary statements.

The national governing bodies met rather informally last evening, expressing their concerns with respect to the bill, and primarily with respect to title 2, which really is a title which regulates, I think it would be fair to say, which regulates the operation of a national governing body. I think it would also be fair to state that the national governing bodies really feel, really wish that there be no legislation on this point, at all, although they heartily endorse the purpose of legislation, au quintal, but they also recognize that it's very important, and if we are to have peace within the athletic community in the United States, that we have legislation, and the legislation put to rest the obligations of national governing bodies, their authorities, and particularly the problems with regard to the sanctioning and jurisdiction over international competition.

With that in mind, several, what we called last night "unlivable provisions" were pointed out. We tried to establish what was it that a national governing body simply could not live with—and, by the way, I would have to point out that this comes down after 3 or 4 months of negotiations, attending three different sessions and one formal session before the Committee on Commerce, so we are really down to the tailend of the problems. We identified these, and decided there really wasn't much that 32 independent and autonomous sports bodies, last night, could agree upon or negotiate, and we feel that what might be productive would be to appoint an informal group of people intimately involved with the negotiation of the bill, including Irwin Bernstein, of fencing; George Wilson, modern pentathlon; Gene Edwards, of soccer, and Peter Buehning, team handball, and myself, representing the interests of aquatics. We did get together, and discussed what we felt were some of the remaining problems with which we couldn't live. We met with the staff—who, by the way, we have always found to be most accommodating—the staff of the committee, and we met with Mr. Scott, and I have had conversations with Mr. Durbin of the high school federation, and we feel; that we have resolved the last few remaining problems. Two problems will take a technical amendment, and we understand, through the staff, that Senator Stevens will be willing to introduce this on the floor of the Senate.

The first technical amendment will be that—will be to section 206, which we have dubbed the "takeout provision," and which Mr. Scott is quite interested in; it's the provision that states, "Any amateur sport organization." * * * By the way, this is on page 66 of the copy of the bill in your portfolio; it states: "Any amateur sports organization which conducts really closed competition, that will have jurisdiction over such competition." We have added a provision which—we are suggesting that this be amended, by adding a provision which Mr. Scott has reviewed and, I think, quite satisfactorily, if that's correct—finds it just as unsatisfactory as we, let's put it that way, that we are agreed, OK, which states that, however, a sanction is nevertheless necessary for any of this type of competition which would constitute international athletic competition.

The other amendment would be to those provisions dealing with the selection of the U.S. Olympic team. Those of you who have been involved in some of the hearings might recall, there's been some controversy as to the selection process. I don't think there's ever been any controversy as to what really happens—namely, that the national governing bodies nominate and actually pick out the athletes, and the Olympic committee supervises the sending of the entry, determining whether or not a team will be entered, and entering the team. The language in here has the word "select," which some of the national governing bodies find difficult to live with.

The International Olympic Committee have—by the way, the bill, in its present form, tracks the present IOC regulations. The IOC has just made a clarification, an amendment, which Colonel Miller has furnished to us, where they have clarified their regulations, again, to clarify this delicate relationship between the national governing bodies and the National Olympic Committees, and we are suggesting modifications to the bill, to put the language of the bill in compliance with the

language, as clarified and amended, of the International Olympic Committee—and, the exact language, we have not worked out, but I don't think we'd have any difficulty on that. Again, it will be in the framework of the general policy.

There are three other concerns. These would not constitute amendments to the bill, but there are concerns expressed by national governing bodies—concerns as to the interpretation of the bill, itself. One concern is whether or not the strict language of the definition of “international athletic competition” is subject to the interpretation that this means “only those competitions in which the U.S. team or a team designated as a U.S. national team is taking part,” or whether or not it includes those international competitions for, perhaps, the Midwest Regional Soccer Team playing the Baden-Baden, West Germany Soccer Team. And, again, I believe everyone is in complete agreement that the import of the bill is that it covers the latter—namely, it covers all, what we call “international competition” in our sports fraternity. This will be clarified on the floor of the Senate, through—and made an official part of the record of the enactment of this particular legislation.

Another question arose concern in the matters of sanctions. A number of governing bodies were very concerned about the sanctioning procedure, as to whether or not it's a perfunctory sanction or whether or not, if there are compelling reasons, around compelling reasons, a sanction can be withheld. We feel that one of those reasons—some of our national governing bodies felt there should be a requirement, before sanctioning, that the individual seeking the sanction should be a member of the national governing body. This is, presently, in our constitution of the U.S. Olympic Committee. It's a very serious controversy. Some of our friends in other organizations find this repugnant to their purposes.

We have finally reached an accord, where it was agreed that the bill would not have it the requirement that you be a member, in order to receive a sanction. However, the report, which is an official part of the record of this legislation and will be most important in a court decision, recites that, if an organization—it recites the fact that we want vertically integrated organizations and that, if an organization consistently engages in international competition and consistently refuses to join the national governing body, that it could form a basis, by the finding of a national governing body, that the granting of a sanction is not in the best interests of a sport, and the sanction could be withheld, and we feel that this is a satisfactory conclusion to that particular question.

Again, it's not the way the national governing bodies would really like—but, in the interest of finding an accord, here, it's a good conclusion.

One other question was raised, concerning the fact that, to receive a franchise to be a national governing body—and I won't bother to get the exact language, here—one of the criteria is to show financial capabilities, and it was pointed out that these financial capabilities are—this test does not necessarily mean “Which is the richer of the two organizations seeking the franchise,” but it really means the national—George, what is the work that you used?

Mr. WILSON. I don't remember.

Mr. HELMICK. George has forgotten it!

Mr. BERNSTEIN. Responsibility.

Mr. HELMICK. Responsibility, Irwin, right, financial responsibility, and we wanted to clarify that, that we aren't going to award franchises on the basis of the richer, but on the basis of the more responsibility.

We feel that, with these clarifications—and, again, please understand, we cannot speak for all the national governing bodies, but we would like this record, today—the minutes—to reflect that, based on these representations of the staff and Mr. Scott, and these clarifications, that those of us of the national governing bodies are voting in favor of this, are voting on it and supporting the bill on the basis of these particular clarifications going into it.

Colonel MILLER. Thank you, very much. Bob.

Mr. HELMICK. I might add, we have not had a chance to go back to the national governing bodies. A great deal of this we are telling, now, to the national governing bodies for the first time; they may very well have some questions, Don, and we'd be delighted to entertain questions. Again, we feel we have not tried to compromise anybody's writeout; we have tried to come up with the best compromise that we feel we could come up with—and this, we feel, is the best compromise.

Colonel MILLER. Are there any questions from any of the national governing bodies you would like to pose at this time?

[No response]

Mr. HELMICK. Thank you.

Colonel MILLER. Thank you very much. Bob, I think I will take this opportunity to read a letter that we received from Mr. Scott—if there is no objection, Mr. Scott—relative to the current legislation.

I am authorized by the National Collegiate Athletic Association to advise you that the NCAA does not intend to oppose S. 2727, as reported by the Commerce Committee on April 6. This position is conditioned on there being contained in the committee report appropriate language indicating that the power to coordinate does not include the power to compel a particular course of action, and that section 206 of the amended U.S. Olympic Committee Charter modifies the terms of title 1 as well as the terms of title 2 thereof.

We have received firm assurances from the committee staff that such provisions will be included in the report, and have no present reason to doubt that fact. It is obvious that there might be included in the report analysis of or comment on the provisions of S. 2727 which could cause the NCAA to change its basic position on the reported bill. As stated above, again, we have no present reason to think that this will happen.

Finally, I should point out that the NCAA's position on the bill could be changed by the terms of the amendments thereto introduced during the course of floor debate. I reiterate, however, that, as the bill now stands, the NCAA will not oppose its passage, even though, philosophically, there are some aspects of the bill that the NCAA does not necessarily support.

Very truly yours, Michael Scott.

Colonel MILLER. At this juncture, I would ask Mr. Scott, relative to the proposed amendments and methodology, as proposed and agreed on by the committee of the national governing bodies, if there is any discord, or if you would like to comment on that, Mr. Scott or Mr. Thompson.

Mr. SCOTT. It's true that Bob Helmick talked with me a little while ago about a postediton to section 206. The language which we worked out, it seems to me, is recisely reflected in the report of the committee—which, as I understand it, is in final form, at the printer—and so I think it's perfectly clear that the NCAA has no objection to what Bob suggested as to section 206. It's simply putting into the bill what's already in the report.

As to the other items that Bob referred to, we haven't had a—haven't had an opportunity to comment on that. Obviously, a careful lawyer, until he sees what the colloquy is proposed to be, isn't going to get himself backed into a corner—but, again, nothing that Bob said sounded outrageous to me. I might add that the only thing that has been formally approved by the NCAA Council, at this point, is S. 2727, as reported; they have not seen the report of the committee, and I expect that to happen within the next week, and I guess I can't be any more informative than that.

Colonel MILLER. Thank you very much, Mike. Is there anyone else who would like to discuss any provisions of S. 2727 at this time?

[No response]

Colonel MILLER. If not, I would like to call upon our house of delegates for a motion which would call for a unanimous support in effecting the Amateur Athletics Act of 1978, conditioned upon the revisions that Mr. Helmick has brought to our attention. May I have such a motion?

SPEAKERS FROM THE FLOOR [Various delegates]. So moved, so moved.

Colonel MILLER. May I have a second?

SPEAKERS FROM THE FLOOR [Various delegates]. Seconded, seconded,

Colonel MILLER. All those in favor, please indicate by saying Aye.

[Affirmative responses from the delegate body]

Colonel MILLER. Opposed?

[No response]

Colonel MILLER. At this time, Mary, before you leave, I would like to place on the record, if I may, our extreme gratitude for the patience and efforts of the staff of the Commerce Committee, and tremendous assistance in resolving the issues involved. We thank you, very much. [Applause.]

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF INDIANA, INDIANAPOLIS DIVISION

CHARLES PATTEN, ET AL, PLAINTIFFS V. THE AMATEUR ATHLETIC UNION OF THE UNITED STATES, INC., DEFENDANTS

Cause No. 73-159-C

Stipulation

It is hereby stipulated and agreed by and between the undersigned that the above entitled action will be, and it hereby is, dismissed without prejudice, each party to pay its own costs, based upon the following terms and conditions:

1. An appropriate official of the Amateur Athletic Union Wrestling Committee ("AAUWC") will send a letter in the form attached hereto as Exhibit A to the National Collegiate Athletic Association ("NCAA") and the Federacion Mexicana de Lucha de Aficionados.

2. The athletes identified in paragraph 11 of the complaint shall apply for certification to the AAUWC.

3. Based upon the representation that the coach will be Joe Seay and the team leader will be Chuck Patten, the AAUWC approves the team leadership.

4. The referee will be Vince Zuarro. So long as AAUWC is the national governing body for the sport of amateur wrestling, prior to any international wrestling meet in which NCAA desires to participate, NCAA will submit to AAUWC three (3) names of referees certified by Federation Internationale de Lutte Amateur ("FILA") in the FILA category designated by AAUWC after consultation with NCAA. If the NCAA disagrees with the category designated by AAUWC, that issue shall be negotiated by both parties in good faith and, if no agreement is reached, the matter shall be submitted to FILA for resolution and such resolution will be binding upon both parties. Thereafter, AAUWC will select one (1) of the three (3) referees designated by NCAA for the competition.

5. NCAA represents that AAUWC now has copies of all documents reflecting negotiations as to the Mexican wrestling competition and that no material conditions have been orally agreed to other than those set forth in the said documents.

6. NCAA represents that to the best of its present knowledge no country other than Mexico and the United States is involved in the Mexican wrestling competition. If athletes from a country other than Mexico and the United States agree to participate in the meet, NCAA will immediately notify AAUWC of that fact.

7. To the extent that conditions requested by AAUWC have previously been agreed to by NCAA in documents filed with this Court (see page 5 of the Affidavit of Jerry A. Miles), NCAA will comply with those conditions.

8. Both parties adhere to their respective positions in the above litigation.

Either party may apply to the Court for appropriate relief in the event of a claimed violation of this stipulation.

MICHAEL LESCH,
Attorney for AAUWC
EBEN G. CRAWFORD,
Attorney for NCAA.

So ordered this 27th day of March 1978.

WILLIAM E. STECKLER,
U.S. District Judge.

Mr. JERRY A. MILES,
Director of Events, National Collegiate Athletic Association, P.O. Box 1906, Shawnee Mission, Kans. 66222.

DEAR MR. MILES: The NCAA having complied with the conditions agreed to in court to the extent that they relate to the proposed Mexican competition, the AAUWC approves NCAA participation in the proposed meet in Mexico.

Very truly yours,

_____.

U.S. DISTRICT COURT, NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

RICHARD DESCHRIEVER, ET AL., PLAINTIFFS, V. THE AMATEUR ATHLETIC UNION OF THE UNITED STATES, DEFENDANT

Civil Action No. C78-590—Judge Robert B. Krupansky

Stipulation and Order

It is hereby stipulated and agreed by and between the undersigned that:

1. Ollan Cassell, Executive Director of the Amateur Athletic Union, will send a letter in the form attached hereto as Exhibit A to the National Collegiate Athletic Association ("NCAA") and the Federacion Mexicana de Atletismo on or before June 6, 1978.

2. The plaintiff will file an amended complaint on or before June 12, 1978 seeking declaratory relief that the action of the AAU alleged in the original complaint with respect to track and field constitute a violation of the anti-trust laws and of the common law right of prospective advantage.

3. Plaintiffs' motion for a preliminary injunction is withdrawn. The trial on the merits of this case shall commence in this Court on October 2, 1978.

4. The NCAA agrees to abide by the Rules of the IAAF Constitution in respect to the forthcoming Mexican Track and Field competition, June 15-17, 1978.

5. Plaintiffs represent that all exhibits to the complaint were sent on or about the dates they bear to the persons listed as addressees thereon by the persons shown as authors thereof.

6. The NCAA does not intend to attempt to negotiate with any person for international track and field competition before the date of the trial court's judgment determining this action and agrees that it will not do so before that date.

Either party may apply to the Court for (a) appropriate relief in the event of a claimed violation of this stipulation, or (b) for a modification of this Stipulation and Order based on changed circumstances.

MICHAEL LESCH,
Attorney for Defendant.
EBEN G. CRAWFORD,
Attorney for Plaintiff.

So ordered this 5th day of June 1978.

ROBERT KRUPANSKY,
U.S. District Judge.

Mr. JERRY A. MILES,
Director of Events, National Collegiate Athletic Association, P.O. Box 1906, Shawnee Mission, Kans. 66222.

DEAR MR. MILES: The NCAA having complied with the conditions agreed to in court to the extent that they relate to the proposed Mexican track and field competition, the AAU approves NCAA participation in the proposed meet in Mexico on June 15-17. It is understood that the athletes shall register as amateurs with the AAU.

Very truly yours,

Mr. MAGGARD. Thank you, sir. I appreciate that.
Before I get into my formal testimony, I'd like to give you just a little bit more background on myself.

Mr. DANIELSON. For the record, we have a shorthand reporter working hard here. Can you tell us who your colleague is?

Mr. MAGGARD. Yes, sir. I wish to introduce Mr. Michael Scott, of the firm Cox, Langford & Brown. He's Washington counsel for the NCAA.

Mr. DANIELSON. You may proceed.

Mr. MAGGARD. Yes, sir.

As I indicated, I'd like to provide you with just a little bit more background so you might be able to evaluate my testimony.

I am the current chairman of the International Relations Committee of the National Collegiate Athletic Association. Since 1972, I

have been the director of athletics at the University of California at Berkeley.

Prior to that time, I coached track and field both at the high school level and at the University of California. In 1971, I was the head coach of the U.S. national track and field team.

I am a former participant in intercollegiate athletics in the sport of track and field, and was privileged on several occasions to represent the United States in international competition, including the 1968 Olympics.

On behalf of the NCAA, I wish to express our appreciation to Chairman Danielson and the committee for the opportunity to present our views on H.R. 12626. This bill, of course, is a direct counterpart to S. 2727, which unanimously passed the Senate on May 8 of this year. It is a matter of record that the NCAA did not oppose S. 2727, as it was reported by the Senate Commerce Committee and passed by the Senate, and we take no different position at this time on H.R. 12626.

As many persons in this room are aware, the NCAA initially voiced its opposition to the adoption of S. 2036, forerunner of S. 2727, during formal hearings before the Senate Commerce Committee last October.

For sake of clarity of the record, I am providing the committee, along with this statement, a copy of the NCAA's statement on S. 2036. I believe it appropriate for me to explain the evolution of our position on this legislation between October and May.

Initially, immediately following the USOC structural reorganization in April of 1977, the NCAA recommended that an amendment to the USOC Federal charter be enacted, the sole purpose of which would be to "lock up" the principal terms of that reorganization.

The NCAA, even though not then a member of the USOC, had been accorded the opportunity to express its ideas with respect to appropriate features of the USOC reorganization, and many of those ideas were, in fact, adopted by the USOC membership.

Based on its prior experience with the USOC—under which the USOC rules and policies were frequently changed for sake of expediency, rather than on the basis of mature consideration—the NCAA thought it important, after a reorganization of such magnitude and difficulty, that the USOC charter reflect the terms of the reorganization, so that at least major changes would require an amendment to the congressional charter.

However, when S. 2036 was introduced in the late summer of 1977, it contained a number of substantive provisions ~~which~~ reflected in the USOC reorganization, or at substantial ~~ways~~ therewith.

Thus, for example, S. 2036 called for a Federal grant of ~~the~~ the USOC and, by a variety of provisions, ~~purported to~~ USOC a directory role over amateur sports ~~in the~~ States.

The NCAA was then, and is now, opposed Federal financial assistance to amateur sports, except for this country, of some kind of authority controlling the programs of all of our amateur sports.

S. 2036 contained a goodly number of other provisions which the NCAA found offensive—although, to be fair

ticularly with reference to the features of the USOC reorganization, a number of provisions which the NCAA enthusiastically supported.

Certainly, in this latter category are included the specification of standards of structure and performance for national governing bodies—which control the USOC and which for far too many years have been permitted to operate at their whim outside the reach of the U.S. law or judicial review—and the provision for both a complaint and challenge mechanism by which these national governing bodies could be held to account.

Again, as most people in this room are aware, and as rather clearly expressed in the NCAA's statement on S. 2036, the NCAA was also deeply concerned by the inclusion in that bill of a so-called athletes' bill of rights, the effect of which was to guarantee an absolute right to compete in all sanctioned international amateur competition.

The NCAA, at the October Senate Commerce Committee hearings, expressed the view that such a provision was entirely unreasonable, in that while it took apparent account of the expressed interests of some athletes or former athletes, it took no account of the legitimate interests of the school/college educational community. Our comments on that portion of S. 2036 are fully set forth in our statement on S. 2036, and I do not intend to elaborate on them now.

If I may digress for just a moment, however, I should say that as a former participant in intercollegiate athletics and in international competition on behalf of the United States, I personally find offensive the concepts which were contained in S. 2036—involving, as they did, the claim of a right to compete internationally, entirely free of restraint, at a level higher than the rights contained in the first 10 amendments to the U.S. Constitution, all of which, the Supreme Court has held, are subject to reasonable restraint.

Reasonable persons may differ as to what restraints on competition are reasonable under particular circumstances, but I really question whether it is appropriate to advocate absolutism with respect to any right, or restraint, thereon.

Be that as it may, through the leadership of Senator Stevens, a series of formal and informal meetings were held in the months immediately following the October Commerce Committee hearings. During those meetings, Senator Stevens and the members of his staff gained an increasing knowledge of the real, as distinct from purported, issues involved in the administration of amateur athletics; and through their patient prodding, a series of compromises were achieved on a wide variety of subjects.

Thus, for example, agreement was generally reached that the USOC was to have a nondirectory coordinating role in amateur athletics, a substantial modification from the prior provisions of the bill.

Perhaps the most significant of these compromises, however, involved the understanding reached among representatives of the NCAA, National Federation of State High School Associations, the USOC, and the USOC Athletes' Advisory Council, that each of these groups would support elimination from S. 2036 of a substantial portion of the athletes' bill of rights, and would support inclusion, within an

amended USOC constitution, of substantive provisions with respect to the right to compete in important international events.

The terms of this new constitutional provision are appended to my statement, under cover of a letter from the NCAA executive director seeking clarification of a number of USOC policies, as a prelude to application by the NCAA for renewed USOC membership.

This compromise, which involved significant concessions on the part of all concerned, was, in fact, carried out. S. 2727, as the successor to S. 2036, simply required inclusion within the USOC constitution of provisions with respect to there "protected" international events; the USOC constitution was, in fact, amended by unanimous vote last April to include the agreed provisions on athletes' rights; and the NCAA rejoined the USOC after an absence of approximately 6 years, thereby subjecting itself to the terms of the new statement of athletes' rights contained in the USOC constitution.

I am constrained to comment here that, throughout this entire period of compromise and concession on the difficult and often emotional issue of athletes' rights, neither the AAU nor any of its sport committees was heard to express any reservations concerning the steps which were being taken.

The first USOC body to consider the proposed compromise was its legislation committee, which included AAU President Ferrell. No dissent was expressed. The matter was then considered by the USOC executive board, which included several AAU representatives, including President Farrell and President-elect Helmick. No dissent was expressed.

Then, at the USOC members meeting held last April, the new USOC athletes' bill of rights was unanimously approved as an amendment to the USOC constitution, with no dissent. At the same meeting, the USOC members were afforded an opportunity to raise questions concerning the provisions of S. 2727 as reported out by the Senate Commerce Committee, and no one—including representatives of the AAU and its sport committees—raised any question concerning the appropriateness of the understanding which had been reached on this portion of the bill. Again, with reservations not here for the moment relevant, S. 2727 was unanimously endorsed by the USOC membership.

I make these points simply because it is now my understanding that the AAU has taken the position that the bill now under consideration by your subcommittee should contain a substantive athletes' rights provision such as that which appeared in the early version of S. 2036.

In our judgment, this current AAU position is, on the record just cited, simply not credible. We believe, rather, that this new thrust is being advanced by some AAU diehards who are seeking to rekindle active opposition to this legislation within the school/college community, in the hope that the bill will never reach the House floor or the President's desk.

What these individuals are really concerned about, I submit, are the provisions of the bill which impact directly upon the way the AAU has operated for years—controlling franchises in a multiplicity of Olympic and pan-American sports without accountability to

anyone except the international federations of which they are a member. The bill before this subcommittee properly brings that era to an end.

On the issue of athletes' rights, I might point out, it was at the NCAA's suggestion that S. 2727 does not define the term "protected competition," thus leaving that term open ended and permitting the USOC membership flexibility to alter the identity of protected competitions, if future experience so warrants.

Given the AAU's current nationwide campaign to bring domestic long-distance running under its total control, through the withholding of sanctions and through disqualification of talented athletes, the wisdom of this NCAA suggestion should already be apparent.

And I further point out that it was the NCAA which successfully urged inclusion in the bill, as passed by the Senate, of a provision requiring representation in the USOC's governance and conduct of its affairs of a reasonable number of active or recently active amateur athletes. Where was the AAU, now suddenly the bold protagonist of athletes' interests, on that critical issue?

I am also advised that the AAU now takes the position that S. 2727 does not reflect agreements reached between the AAU and the Senate staff during the course of the USOC meeting last April. Appended to my statement is the transcript of that portion of the April 1978 USOC meeting at which S. 2727 was discussed, and I invite the subcommittee to compare the provisions of S. 2727, and the Senate report thereon, with the conditions raised before the USOC by Mr. Helmick, president-elect of the AAU.

Such a comparison will demonstrate that, with the exception of a proposed expansion of the definition of "international amateur athletic competition"—an expansion which, in our judgment, would have undesirable effects in some portions of the bill where this defined term is used—all of Mr. Helmick's suggestions were incorporated into the bill or into the report thereon.

In this connection, there seems to be some confusion whether, under the terms of H.R. 12626, the NCAA acknowledges the right of national governing bodies to sanction international competition engaged in by college students under its sponsorship.

The NCAA does so acknowledge, as long as the standards for obtaining a sanction are set forth in objective and reasonable terms, as we believe they are in H.R. 12626, as long as the sanctioning authority is administered on a nondiscriminatory basis, and as long as the national governing body is structured and conducts its affairs in accordance with the standards of H.R. 12626.

We do have reservations, which we have expressed to Senator Stevens and the Senate Commerce Committee staff, concerning the practical necessity for a sanction of regular-season college games in various sports, which are played against foreign college teams by American colleges at or near the Canadian or Mexican borders, and which historically have not been sanctioned by the various national governing bodies.

Senator Stevens, in his statement on the Senate floor, expressed the intention of the Senate Commerce Committee not to disturb this existing situation and, frankly, on this narrow subject, we regard that as a satisfactory resolution of the problem.

I might add that, in the past 3 months, it has been necessary for the NCAA to sue the AAU twice in order to gain the sanction for college students from its division II championships to compete against Mexican college student athletes in Mexico City, pursuant to a multisport agreement worked out a few months ago between the NCAA and the National Institute of Sports in Mexico.

In both instances, the AAU initially took the position that it would be necessary for the NCAA to join or affiliate with the AAU, before such a sanction would be granted. In the second instance, involving track and field, the AAU initially refused to sanction the competition on the grounds that the agreement for the competition has been negotiated directly between the NCAA and its counterpart in Mexico, rather than between the AAU and the Mexican national governing body for track and field. In both cases, when confronted with a motion for preliminary injunction, the AAU abandoned its prior position and entered into an agreement sanctioning the event.

I think it important to note, that, on both occasions, the NCAA fully acknowledged the necessity for the AAU sanction, just as it acknowledged the necessity for sanctions from the other governing bodies for the sports involved. All these other sanctions were readily and enthusiastically given. In both instances involving AAU sports, the NCAA agreed—as it had from the very outset—that the American participants would be required to register with the AAU and to obtain cards from the AAU certifying their eligibility as amateurs.

Quite frankly, the NCAA regards the AAU's conduct in both of these cases as involving sheer harassment. For the record, I am attaching to this statement the settlement agreements which were worked out in each case.

I stated at the outset that the NCAA does not oppose passage of H.R. 12626. That we do not express ourselves more affirmatively on the question of passage essentially stems from our continued distaste for Federal financial or other intervention in the area of amateur athletics.

There are, moreover, numerous changes or improvements in the bill that we could suggest in the interest of our member institutions, but in view of the lateness of the legislative hour, we believe the advancing of these suggestions could well have a counterproductive effect on the legislative process which has already been achieved.

We simply reiterate our comment, made to the Senate Commerce Committee, that if Federal financial assistance in the area of amateur athletics is at all seriously warranted, it should involve the provision of facilities and programs which can readily be enjoyed by the broadest base of participants, particularly including, in our view, underprivileged urban youth.

We do appreciate this opportunity to express our views on H.R. 12626. I would be more than happy to answer any questions you may have on testimony thus far. Thank you.

Mr. DANIELSON. I thank you for addressing head-on a couple of the issues that seem to be involved in this matter.

It's my understanding that the present language of H.R. 12626 is something which your group does not oppose. That's not quite the same as support, but it's a qualified support.

Mr. MAGGARD. Yes.

Mr. DANIELSON. Except that you do not want the financial contribution from the Federal Government included. Is that basically it?

Mr. MAGGARD. Yes, that is correct.

We feel that with the contribution—I think the comment that Mr. Mazzoli made earlier: It may be in the eye of the beholder—but we feel that strings in some ways certainly would be attached to that money and would bring about more Federal intervention than we would like to see in amateur athletics. And we are opposed to the Federal financing, for that basic purpose—for that basic reason, I should say.

Mr. DANIELSON. I've gleaned—I guess by osmosis, as much as anything else over the years—that in many foreign countries the top athletes competing in Olympic events have gradually become a sort of a house team. I mean, they're pretty much supported one way or another by the governments involved.

I don't know if I'm correct in that perception, but that is the one which I have. Will you comment on that?

Mr. MAGGARD. I think this is overplayed a little bit.

I think that the one thing where we have a tremendous advantage over the other countries, at least in my own view, is that we have athletic scholarships in this country. We have tremendous opportunities. I think that the backbone of sports in this country is provided by the high schools and colleges and universities, primarily. And I think that the financial aid that is awarded to athletes in this country is in great need in terms of alien competition.

I think that you're correct in assuming the reports are that in some way these athletes are given financial aid. I think that we talk about this and guess about it a lot, but we never seem to come up with specifics.

I do not believe that that would be the reason for a decline in our programs. I do not believe it's that particular reason that you alluded in the support of athletes in other countries. I don't believe that's the reason for them catching up with us, really.

Mr. DANIELSON. What would be your—

Mr. MAGGARD. I think that—well, in a professional society that is oriented toward professional sports and professional athletics, I believe you might say that aid of the athletes with financial aid would probably detract them from going into it. I'm not certain it would be the case, but basically what we have in our society is one that's professional sports-oriented. And I believe that many times the promising young athlete who thinks about becoming a great quarterback on one of the professional teams, or a star pitcher on one of the professional teams, is concerned more about perhaps making money than participating in international competition.

I think that can be changed. I think that can be substantially changed. And I think that some—

Mr. DANIELSON. How would you think you could change that?

Mr. MAGGARD. I think a new emphasis on the Olympic movement. I think the testimony by the athletes was excellent. I think the emphasis, or renewed emphasis, on Olympic sports and interna-

tional competition would give greater stature to those participating in Olympic events, Olympic sports, if you will.

But if you will, I do not believe you get there with the Federal funding. I believe that the funding should come from private resources.

Mr. DANIELSON. You've been in a responsible management position for quite a while. Do you think that there is the very grave problem of raising the support for Olympic athletic competitors through private sources?

Mr. MAGGARD. No. I do not. I believe that avenue is one that we haven't been down aggressively enough. I believe that's one avenue that we could really tap, and I believe that's the way in which we should go.

Mr. DANIELSON. Some of the witnesses today, including the athletes, commented on the nonavailability of adequate training facilities for the training practice, and so forth.

Would you comment on that?

Mr. MAGGARD. Yes, I will. I'd be happy to.

Willie Davenport and I have competed together on teams in the past, and I know the problem he's talking about. I would say that with every problem that he might bring to light, I could tell you that there are many universities and colleges and high schools around the country that are affording opportunities, are allowing athletes—athletes who are out of school—to utilize their particular facilities. And it has been a great help.

Most of the facilities in this country are "owned or belong to the people," from the standpoint of the State universities or the private colleges, and so on. And that's where most of the facilities really are.

Mr. DANIELSON. Including high schools?

Mr. MAGGARD. Yes, indeed.

Mr. DANIELSON. In my part of California—I'm from southern California—I know that the high school athletic fields, whenever I drive by—whether you're in season or off season—it seems like people are using them.

Mr. MAGGARD. I think it's incredible, the amount of use they get all over the country, and particularly in California, where the facilities are open oftentimes to athletes who are not in college or high school.

Mr. SCOTT. If I may, Mr. Chairman, we do recognize at the NCAA that there are a number of Olympic and Pan-American sports in which colleges and high schools do not provide facilities, where there are no sports which are a regular part of the high school or college program.

I think certainly Dianna Holum pointed out one of them—where there is inadequate facilities through that mechanism, and certainly athletes participating in that sport have a strong point.

High school and college athletics do not cover the spectrum of our Olympic obligations.

Mr. DANIELSON. I was looking at this Olympic document here, and I'm not sure I'm right, but I think I counted some 25 sports, more or less, Group A—whatever that means.

Mr. SCOTT. Those are the national governing bodies.

Mr. DANIELSON. There's a sport listed in front of each.

Mr. SCOTT. Those are the national governing bodies for each Olympic or Pan-American organization.

Mr. DANIELSON. For example, in Monterrey Park, in California, we have no way to train for bobsledding, and I don't think you recommend a bobsledding training center. We'd have to build a mountain. But that is what you're talking about. There are some Olympic sports which just don't have, ordinarily, a training facility here and there throughout the country.

Mr. SCOTT. There's no question about it.

Mr. DANIELSON. Mr. Kindness brought out a good deal of information on the role of the high school athletics. I'm sure there must be some high school-aged athletes who are so preeminently qualified that they can be qualified for Olympic competition, but they must be rather few in number.

Mr. MAGGARD. Yes, few.

Mr. SCOTT. In the sport of swimming, that's not true. Most of your top competitors are high school age.

Mr. DANIELSON. And we saw the remarkable young lady from Romania, the gymnast.

Mr. MAGGARD. Occasionally, the swimmer, the gymnast.

Mr. DANIELSON. By and large, the would be post-high school?

Mr. MAGGARD. Yes. Yes. They would be.

Mr. DANIELSON. If this athletic structure is set up, as I understand it, it would reach down into high schools, so far as the governed sport is concerned, but was I right in the implication of a question I asked earlier: The governing body would not reach any of the sports which are not either an Olympic sport or a Pan-American sport in international competition; is that true?

I'm glad to see you nod your head yes. Most people would resent very much any type of regulation of every cotton-picking thing that took place in the name of sports or athletics.

Mr. MAGGARD. We would certainly agree with that.

Mr. DANIELSON. If you want to have something that's a well-defined, recognized competitive activity, that's one thing. But the variety of athletic interest of the human race just defies imagination. I don't think we should regulate all those things.

I'm comforted by your answers. I have no further questions of you. Your statement is very well presented, and we do have the data here. I find I learn more by listening than I do by talking, so I thank you for appearing.

Mr. MAGGARD. Thank you very much.

Mr. DANIELSON. And you are excused, but you're invited to stay as long as you wish.

Our next witnesses will be the Amateur Athletic Union, represented by Mr. Joe Ferrell, and Mr. Olin Cassell, executive director, respectively.

And Governor Di-Salle, I see you're here. Won't you please come forward with your friends?

Just for the record—and I know you're a lawyer, Governor DiSalle—would you identify who is who?

Mr. DiSALLE. I'm counsel for the AAU, Washington.

Mr. Joe Ferrell is the typical AAU'er, 30 years of volunteer work, starting with playing basketball on the AAU team.

And Olin Cassell is an Olympic medal-winner and the director of the AAU in Indianapolis.

Mr. DANIELSON. Thank you very much.

I am just going to present whoever would be near the microphone; so, Mr. Ferrell, would you proceed.

TESTIMONY OF JOE FERRELL, PRESIDENT, AMATEUR ATHLETIC UNION; ACCOMPANIED BY OLIN CASSELL, EXECUTIVE DIRECTOR; MICHAEL DISALLE, COUNSEL; JOSIAH HENSON, SECOND VICE PRESIDENT

Mr. FERRELL. Yes. I'd like, also, for the committee's information, to introduce to you Josiah Henson, who is a resident of the Arlington area, who is our second vice president, who is also in attendance.

Mr. DANIELSON. He's the gentleman waving at us from the back of the room.

Welcome, sir.

Mr. FERRELL. I would like, if I may, sir, to read the statement that I submitted and, in turn, have some extemporaneous comments.

Mr. DANIELSON. You go right ahead, sir, and read, and then I can follow.

Mr. FERRELL. On May 8, your colleagues in the Congress passed Senate bill 2727, the Amateur Sports Act of 1978, doing so by a voice vote and, apparently, without any dissension or consideration of two major issues which had been raised prior to the vote as the result of meetings of the board of directors of the Amateur Athletic Union of the United States and the House of Delegates of the U.S. Olympic Committee.

It is the Amateur Sports Act of 1978 that is now being considered by the House Judiciary Committee's Administrative Law and Governmental Relations Subcommittee, and I appreciate the opportunity that has been given me to present my views and those of the Amateur Athletic Union with respect to H.R. 12626.

At the onset, I noted that the Senate's passage of S. 2727 had taken place without any discussion or consideration of two major issues, and I would like the record to show that this was done despite the fact that the Senate sponsors of the legislation were aware of—but failed to incorporate—certain compromise positions which had been agreed to by Senate Commerce Committee staff and amateur sports national governing bodies.

The first major omission was the failure to restore to S. 2727 the "Amateur Athlete's Bill of Rights Act," which had been contained in the legislation when it was first introduced last year as S. 2036 and in which the "Amateur Athlete's Bill of Rights Act" formed title III of the proposed measure.

If I may digress from my written comments, Congressman, I noted really with interest Congressman Metcalfe's comments on the need for an athlete's bill of rights. And I'd like to draw attention to the committee that in the objectives of the bill it is stated in there that this will project or provide certain athletes' rights.

And in the passage of the bill by the Senate, there are portions that do permit or state that athletes' rights were omitted. So, I

question now whether the title of the bill is the true objective of the bill.

This is one reason why we proposed the reconsideration of the athletes' bill of rights.

And to continue with my written statement: As exhibit A in connection with my statement to this subcommittee, I offer a copy of the "Amateur Athlete's Bill of Rights Act," as set forth in title III of S. 2036 and enunciated in sections 301, 302, 303, and 304 of that proposed legislation.

At its April 29-30 meeting in Dallas, the AAU's board of directors unanimous adopted a motion recommending to Senators Stevens, Culver, and Stone that an athletes' protection section be reinserted.

This was not done. As a matter of fact, the subject was not even mentioned in the floor debate preceding passage.

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I would also like the record to show that there are other items not included in S. 2727 which had been agreed to at the April 15-16 meeting of the United States Olympic Committee's House of Delegates in Lake Buena Vista, Fla., and it was this consensus which led the AAU members of that body to agree that our organization would not oppose the Amateur Sports Act of 1978.

Moreover, I attest to the fact of this consensus and agreement, both as president of the Amateur Athletic Union and as third vice president of the United States Olympic Committee, in which role I was a party to both.

The most glaring omission is S. 2727's—and now H.R. 12626's—failure to adequately define the protection afforded national governing bodies with respect to international competition, and this lack of specificity can only result in a variety of interpretations of the law which go beyond that which we understand to be either its intent or its meaning.

One example of a possible interpretation was engendered by Senator Stevens during the pre-vote debate in that Chamber—at one point his remarks left the impression that American sports groups, such as those at the collegiate level and YMCA-type organizations, could not be denied a sanction from a sport's U.S. governing body as long as such an event involved a similar organization in another country.

In the broad sense, such an interpretation would force each of the national governing bodies now associated with the AAU—and to the best of our knowledge, all of the other national governing bodies that are also members of the USOC—to violate their own international federations' rules, which call for NGB's to authorize, approve, or negotiate all exchanges for amateur athletes and teams which involve competition outside the geographic boundaries of their countries.

Let me point out that it is the international federations in amateur sports—and not the International Olympic Committee or, for

that matter, a national Olympic committee—which makes and enforces the rules that pertain to international competition.

You should also be aware of the fact that a national sports governing body which knowingly permits infractions of such rules is liable for suspension by its international federation, with the ensuing result that athletes of that nation would not be permitted to enter any international competition—including the Olympics and pan-American games—in the sports involved.

As an example, take boxing, for which the AAU is the U.S. governing body. Were the AAU to permit rules of the Association Internationale de Boxe Amateur, world governing body for the sport, to be broken, our national governing body could be suspended by AIBA, and American boxers would not be allowed to compete in the Olympics, for it is federation membership, not International Olympic Committee membership, which decides which nations will be represented in a particular sport in both the winter and summer games.

I urge, therefore, that the protection required for U.S. national sports governing bodies under the rules of the various international federations be incorporated in specific terms into any legislation developed by this subcommittee, and, toward this end, I offer my own assistance and that of my fellow AAU officers, as well as the expertise of the chairmen and officials of the AAU's national sports governing bodies, and the full cooperation of our national headquarters in Indianapolis.

I'd like to digress at this point, Congressman. We presently have a problem that was engendered or effected by a group of boxers going to South Africa without sanction, without approval of the AAU. As a consequence, it will be mandatory that some action be taken against those individuals because South Africa is not a member of the international federation.

And if you recall during the Olympics in Montreal the problem that was associated with Australia, due to the fact that a non-Olympic sport had competition with South Africa, that occasioned the boycott by the African nations. This problem—

Mr. DANIELSON. Let me interject a question here.

Mr. FERRELL. I'm sorry, New Zealand.

Mr. DANIELSON. Why should any sports committee or federation decide that they should put a sanction on an athlete because he or she participated in an activity in, let's say, South Africa? I believe that was the country you mentioned. What does that have to do with the proficiency of the athlete, or what harm can it do to the competitive sport?

Mr. FERRELL. Well, there must be international rules that govern how and what individual members do. I think it would not be too different than this Government putting the boycott on Cuba.

Mr. DANIELSON. I think it would be quite different. Cuba and the United States are sovereign states. I don't think any sporting activities would have a sovereign power; at least, I'm not aware of it.

Mr. FERRELL. I think any other approach in not having international rules that all members can agree on—you can add this a little bit further to say that in Australia, for instance, the amateur in basketball, for instance, could earn \$1,000 a month, but in this country it would be something else.

There have to be standard rules that all countries should agree with and comply with.

Mr. DANIELSON. The reason is because, even in the rule, it doesn't make sense. It should govern the activity.

You feel that way?

Mr. FERRELL. I'm not saying that the rule doesn't make sense.

Mr. DANIELSON. I'm going to hypothecate that the rule doesn't make sense. It doesn't have to be true, but that's the rule we're living under.

Now, if that's the rule we're living under, what difference does it make to the athlete or to the sport if he or she runs a race in South Africa, even if it's against the rule?

Mr. FERRELL. Well, Congressman, I'm sure you recognize that I don't make—nor can I change—the rules.

Mr. DANIELSON. I asked the question, and I don't think you can answer it, and that's why I posed the question.

Mr. FERRELL. I'd like to answer it, if I may, in that I don't feel that you would expect us, as a national governing body, to violate the international rules of the international federation.

Mr. DANIELSON. I just asked you what difference does it make to the proficiency of the athlete or to the ongoing long-term sport itself? And I don't think it does make any difference.

Mr. FERRELL. I wouldn't necessarily disagree with you regarding the fact that any competition is good for the athlete.

Mr. DANIELSON. OK. It was an interesting diversion; so, why don't you continue?

Mr. FERRELL. There are other portions of the Amateur Sports Act of 1978 which are highly undesirable. One such instance is that while it calls for national governing bodies to be autonomous, it follows with restrictions which, in our view, defeat the autonomy which is the legislation's stated purpose. However, while we can see such portions as either self-defeating or potentially confusing, we reluctantly and cautiously accept them in the best interest of amateur sports in the United States as set forth in the Amateur Sports Act of 1978's "Declaration of Policy," title I, that is, section 101.

In this latter regard, my first point bears repeating: Without an "Amateur Athlete's Bill of Rights Act" being incorporated, the Amateur Sports Act of 1978 will, at best, be doing only half the job.

I must reiterate that the Amateur Athletic Union will oppose the proposed legislation unless satisfactory definitions of international competition are included and if other amendments are added as a result of these hearings or during floor debate that, in our opinion, are also detrimental to amateur sports development.

That concludes my written testimony.

Mr. DANIELSON. How do you stand on the public financing, to the extent called for in the bill, of amateur athletics?

Mr. FERRELL. I believe, Congressman, that the AAU's feeling in regard to the public financing, we foster the infusion of money into amateur sports and the acceptance of this bill as Federal legislation—and by this, I mean the intervention of the Federal Government into the Amateur Sports Act.

And I think we all recognize that there will be some of this, the depth to which is hard to say, would offset or could possibly be offset by the infusion of money.

I guess, to put it in simpler terms, if the money weren't there, we would be opposed to Federal intervention into amateur sports.

Mr. DANIELSON. You say you would be, or would not?

Mr. FERRELL. We would be.

Mr. DANIELSON. In other words, you call it the "infusion of money." I guess that's asking for money; right?

Mr. FERRELL. Yes.

Mr. DANIELSON. Without that, you would not support the bill?

Mr. FERRELL. That's correct.

Mr. DANIELSON. Then, if I were to ask you the hard question that I asked Mr. Davenport and Ms. Holum and Mr. Naber; if you had your choice—one or the other: the regulatory reorganization or the money, but you couldn't have both—which would you take?

Mr. FERRELL. Take the money.

Mr. DANIELSON. That's a very direct answer, and I appreciate that.

I noticed, sir—I just want to find out what really is the motivating force here. We've heard the gentleman from the administration say that the administration opposes the money aspect. We've heard the gentleman from the NCAA opposes the financial aspect of it.

My inference, from the questions of Mr. Mazzoli, of Kentucky, are that he may not at least look kindly upon it. I can't tell from Mr. Kindness; he asked his questions so cleanly that I never could figure out where he's going.

And I haven't made up my mind yet, so it's useful for me to know where we are.

You do favor the money. NCAA does not. The administration does not.

Thank you. I get the point here, and we'll try to work it out.

Now, there is one thing I want to ask you about.

Mr. Maggard's testimony pointed out that there were some compromises entered into and some discussions back in—well, during the last year to the effect that an understanding was reached among representatives of the NCAA, the National Federation of State High School Associations, the United States Olympic Committee, and the United States Olympic Committee Athletes' Advisory Council, that each of the groups would support elimination from S. 2036 of a substantive Athlete's Bill of Rights, but would support inclusion within an amended USOC constitution of substantive provisions with respect to the right to compete in important international events.

Now, do you not quite agree with that position, I gather?

Mr. FERRELL. No. That's correct.

Mr. DANIELSON. Will you try to help me by defining where you are at issue with that position?

Mr. FERRELL. Well, we feel, for instance, in the national governing bodies criteria that is now contained in the bill, we have in there the requirement to permit any athlete to compete. So, the responsibility, by Federal legislation, says that the national governing body is required to do that, but there is no companion to that that gives that individual the freedom of choosing to do that, if you

follow me. There is no athlete's bill of rights that permits him to make the choice.

Mr. DANIELSON. Well, he can't be compelled to do it.

Mr. FERRELL. No. But there's nothing in there that would give him the right to make the choice, and that is our concern. We feel that it should be his right.

Now, along with it, it's recognized that he would have to accept the responsibilities of whatever action he takes, and that's what the proposed Athlete's Bill of Rights that the Athletes' Advisory Committee came up with provides. It provides them the opportunity to choose.

Mr. DANIELSON. You want to vest the right in the contestant himself, in the athlete?

Mr. FERRELL. Yes, along with the recognition, along with that goes the responsibilities for whatever action must be taken.

I believe if you will look at the exhibit B, it specifies.

Mr. DANIELSON. On the other hand, the other position that I referred to, it differs to what extent it requires the governing board to permit people to participate.

Mr. FERRELL. Yes. There is a requirement in there for the governing body to permit any athlete to compete in national or international competition.

In several terms, it says that the governing body cannot keep them from that. In other words, they are required to permit them to compete.

Mr. DANIELSON. And you would change that only to say that it's up to the athlete to decide that he wants to compete?

Mr. FERRELL. No; I wouldn't change that. I would say that, as an addition in there, there should be the Athlete's Bill of Rights that gives him the opportunity to choose whether he wants to or not and, like I say, take the responsibility for his action.

If I could refer to Mr. Maggard's testimony about the fact of NCAA desiring to have a Federal legislation concerning restructuring of USOC and make it a Federal legislation, the AAU has been undergoing restructuring activity for the last 3 or 4 years, and we're doing it at a pace that we feel is the maximum possible within reason.

At the same time, the NCAA does not desire to include those provisions, including the athlete's rights, in current legislation.

Mr. DANIELSON. The bill, as now drafted, calls for a one-time infusion of funds, one only.

Assuming that this is absolutely true and there will be no more after this one-time shot, do you favor the bill?

Mr. FERRELL. No, if its one-time infusion.

Now, I'd like to qualify my comments.

Mr. DANIELSON. Go ahead.

Mr. FERRELL. Our concern, again, is expressed at the fact that the Federal Government would be regulatory or would have some control of those moneys. That is our primary fear. And we desire an infusion of money or the supplying of money. We have approximately 15 corporations that support amateur athletic activities in the AAU: Sears, Philips 66, Hertz, Holiday Inn, just to name a few. And they are vital to our operation.

Sears Co. sponsored our junior Olympic program, and my reference to autonomy really throws up a red flag to us as to how autonomous must one be in order to comply with the regulations as contained in here?

For instance, our junior Olympic program goes across the board. It's a grassroots program. And referring to Mr. Kindness' comments or Congressman's comments regarding the national governing body only being concerned about national, international Olympic competition, that is not true. The national governing body has a requirement to develop people, to bring up from the grassroots and identify people who can potentially be in the national, international, and Olympic competitions.

The educational system is excellent in the area that they provide their energies, but they likewise are star-oriented. They do not have the money by which they could have a broad program. They can only have so many scholarships. They can only devote their attention to so many people at one time. They can't identify those people. I don't know of any individual who was picked up off a program who has not been identified as a potential good athlete that got a good scholarship.

They develop them. They nurture them and train them and improve them.

The national governing bodies that identify these people, that make them available to others, can also contribute. They provide a vital part, and I feel that the California situation, for instance, we feel that the national governing bodies in all sports are going to be much more concerned and involved in doing some of these grassroots programs.

Mr. DANIELSON. In doing what?

Mr. FERRELL. Some of the grassroots development programs, in that there is no other opportunity for these young people to develop and be identified.

And I think it's obvious to all of us that there are sports programs in the California area that are going to suffer because that is one area where they will undoubtedly need help.

Mr. DANIELSON. Do the governing bodies today seek out, identify, develop programs for athletes?

Mr. FERRELL. Most certainly. We have, in August, for instance, what we call our National Junior Olympic multisport championships. We'll have about 2,000 to 2,200 at—let's see—in Lincoln, Nebr., in different sports.

Mr. DANIELSON. Where do they come from?

Mr. FERRELL. They come from all over the country—grassroots, all 50 States.

Mr. DANIELSON. They're not people who are participating in athletics in high schools?

Mr. FERRELL. Some may be, some may not be.

But for instance, in the area of swimming, there are very few schools that have girls swimming and track and field. There are not many that are in track and field. So, they come from the local playgrounds.

Mr. DANIELSON. Then, the funding that you're talking about, on a one-shot funding, wouldn't you feel that it wouldn't be enough to offset what you perceive is the restructuring harm?

Mr. FERRELL. No, sir.

Mr. DANIELSON. Presently, where do governing bodies obtain their funds?

Mr. FERRELL. Well, principal energies that are derived by the governing bodies, the energies are from volunteers who have arrived from registration process, from division and from corporate sponsors, national sponsors.

Mr. DANIELSON. And do you feel that you could continue to operate that way, even if you do not get the Federal funds?

Mr. FERRELL. Oh yes.

Mr. DiSALLE. Mr. Chairman, just to interrupt. The AAU, for 90 years, was operated without Federal funds and Federal interference. If this legislation wasn't passed, it would continue to operate the same way because—

Mr. DANIELSON. Thank you. You pulled together what I've been trying to pull together, and you've done it in one sentence. Thank you very much.

Well, I have no further question, gentlemen.

Did you wish to make a separate presentation?

Mr. CASSELL. No.

Mr. DANIELSON. You do have your two appendices to the statement, which we will be able to study.

And I do thank you. Then, you're excused.

Mr. FERRELL. Before being excused, I would like to ask, if at all possible, that additional hearings be held in which we would bring up our associations and some of our athletes to appear before you.

Mr. DANIELSON. We have a further hearing scheduled tomorrow. Do we have them beyond tomorrow?

Tomorrow, for example, we will have, among others, at least: Senator Stevens; Mr. Robert Cain, president of the United States Olympic Committee; Mr. Donald Miller, executive director of the same; Mr. Robert Helmick, of the national governing bodies; Mr. Edward Williams, chairman of the Athletes' Advisory Council; Mr. Harry G. Fritz, National Association of Intercollegiate Athletics; Ms. Carol Mushier—I guess it is—of the Association of Intercollegiate Athletics for Women; Dr. Scott Thompson, for the Education of Secondary School Principals; and Mr. Joseph Peters, of Real Sports, Inc.

Does that cover the spectrum fairly well?

Mr. FERRELL. I don't believe it covers the area I made reference to. We have one of our principal constituents in the AAU—are our 58 associations—and they're the ones that administer the programs.

Mr. DANIELSON. I don't want to cut off any point of view in connection with this hearing. Could you get in touch with our staff counsel?

Mr. FERRELL. Certainly.

Mr. DANIELSON. And we are running against time, not just for today, but I believe that the Congress will adjourn on or about the 7th or 8th of October. That means that any legislation that has a chance of becoming law this year must pass this House, as well as the other body, and go through a conference committee to reach unanimity and reach the President on or before that day.

So, we do have to at least sprint. We do have to do a good mile on this thing.

So, if you'll contact our counsel, we will try.

Since I'm the only Democrat here at the moment, Mr. Coffey, who represents the minority, says he'd like to ask one question.

Mr. COFFEY. It will be a short one.

There is a discrepancy or a difference between your appendix B and section 303 of S. 2036. You deleted two of the phrases under which an educational institution would be able to deny participation.

I just wondered whether or not there's any significance to that and whether or not you'd like to explain it.

Mr. FERRELL. The appendix B was supposed to be the proposed agreed-to provisions that were prepared by the Athletes' Advisory Council.

Mr. COFFEY. Do you support the language that was in section 303, the original bill?

Mr. FERRELL. Yes; well, I support and prefer the Athletes' Advisory Council version of it, which is appendix B.

Mr. COFFEY. Which is different?

Mr. FERRELL. Yes; yes.

Mr. COFFEY. Thank you.

Mr. DANIELSON. Thank you.

Thank you, gentlemen.

Mr. FERRELL. Thank you.

[The complete statement follows.]

POSITION PAPER—AMATEUR SPORTS ACT OF 1978 (H.R. 12626)

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Council of the United States Olympic Committee, which I hereby offer for your consideration as exhibit B.

I would also like the record to show that there are other items not included in S. 2727 which had been agreed to at the April 15-16 meeting of the United States Olympic Committee's House of Delegates in Lake Buena Vista, Fla., and it was this consensus which led the AAU members of that body to agree that our organization would not oppose the Amateur Sports Act of 1978.

Moreover, I attest to the fact of this consensus and agreement both as president of the Amateur Athletic Union and as third vice president of the United States Olympic Committee—in which roles I was a party to both.

The most glaring omission is S. 2727's—and now H.R. 12626's—failure to adequately define the protection afforded national governing bodies with respect to international competition, and this lack of specificity can only result in a variety of interpretations of the law which go beyond that which we understand to be either its intent or its meaning.

One example of a possible interpretation was engendered by Senator Stevens during the pre-vote debate in that chamber—at one point his remarks left the impression that American sports groups, such as those at the collegiate level and YMCA-type organizations, could not be denied a sanction from a sport's U.S. governing body as long as such an event involved a similar organization in another country.

In the broad sense, such an interpretation would force each of the national governing bodies now associated with AAU—and, to the best of our knowledge, all of the other national governing bodies that are also members of the USOC, to violate their own international federations' rules—which call for NGB's to authorize, approve, or negotiate all exchanges for amateur athletes and teams which involve competition outside the geographic boundaries of their countries.

Let me point out that it is the international federations in amateur sports—and not the International Olympic Committee, or, for that matter, a national Olympic Committee, which makes and enforces the rules that pertain to international competition.

You should also be aware of the fact that a national sports governing body which knowingly permits infractions of such rules is liable for suspension by its international federation—with the ensuing result that athletes of that nation would not be permitted to enter any international competition—including the Olympics and Pan American Games—in the sports involved.

As an example, take boxing, for which the AAU is the United States governing body. Were the AAU to permit rules of the Association Internationale de Boxe Amateur, world governing body for the sport, to be broken, our national governing body could be suspended by AIBA—and American boxers would not be allowed to compete in the Olympics—for it is federation membership, not International Olympic Committee membership, which decides which nations will be represented in a particular sport in both the Winter and Summer Games.

I urge, therefore, that the protection required for U.S. national sports governing bodies under the rules of the various international federations be incorporated in specific terms into any legislation developed by this subcommittee—and, toward this end, I offer my own assistance and that of my fellow AAU officers—as well as the expertise of the chairmen and officials of the AAU's national sports governing bodies, and the full cooperation of our national headquarters in Indianapolis.

There are other portions of the Amateur Sports Act of 1978 which are highly undesirable. One such instance is that while it calls for national governing bodies to be autonomous, it follows with restrictions which, in our view, defeat the autonomy which is the legislation's stated purpose.

However, while we can see such portions as either self-defeating or potentially confusing, we reluctantly and cautiously accept them in the best interest of amateur sports in the United States as set forth in the Amateur Sports Act of 1978's "Declaration of Policy" that is, title I, sec. 101.

In this latter regard, my first point bears repeating—without an "Amateur Athlete's Bill of Rights Act" being incorporated, the Amateur Sports Act of 1978 will, at best, be doing only half the job.

I must reiterate that the Amateur Athletic Union will oppose the proposed legislation unless satisfactory definitions of international competition are included and if other amendments are added as a result of these hearings or during floor debate that, in our opinion, are also detrimental to amateur sports development.

That concludes my written testimony.

EXHIBIT A

"FEDERAL FINANCIAL ASSISTANCE"

"Sec. 206. (a) The Secretary of Commerce (hereinafter in this section referred to as the 'Secretary') is authorized to award grants to the Corporation to assist in the development of amateur athletics in the United States. The Corporation may apply to the Secretary for funds available under this section, and shall use such funds consistent with the objects and purposes of the Corporation specified in section 104 of this Act. The Secretary shall approve any application which meets the requirements of this section, and award grants to the Corporation, in a total sum not exceeding—

"(1) \$18,000,000 to finance the development and operation of any programs approved by the Corporation;

"(2) \$10,000,000 to finance feasibility studies to assist in determining appropriate locations for training centers and to finance the administration and operation of such centers. As used in this paragraph, the term "training centers" means sites selected by the Corporation for use in furthering amateur sports development, research and education across a broad range of sports, including the collection, analysis and dissemination of technical sports information; and

"(3) \$2,000,000 to finance an information retrieval service for the analysis and dissemination of sports medicine information.

"(b) Each application for funds available under this section shall be in such form as the Secretary provides and shall contain provisions to assure that such funds are disbursed in accordance with the provisions of this section. For the purpose of review or audit, the Secretary shall have access to any books, documents, papers and records which are relevant to any grant received under this section.

"(c) Not more than 20 percent of the funds available under this section may be provided to organizations which are not members of the Corporation.

"(d) There are authorized to be appropriated to the Secretary not to exceed \$30,000,000 in fiscal year 1979, such sums to remain available until expended."

TITLE III—ATHLETES' RIGHTS TO PARTICIPATE

SHORT TITLE

Sec. 301. This title may be cited as the "Amateur Athlete's Bill of Rights Act".

DEFINITIONS

Sec. 302. As used in this title, the term—

(1) "amateur athlete" means any athlete who meets the eligibility standards as defined by the national governing body for the sport in which the athlete competes;

(2) "amateur athletic competition" means a contest, event, game, meet, match, tournament or other program in which amateur athletes are permitted to compete;

(3) "amateur sports organization" means a not-for-profit corporation, club, federation, union, association, or other group which sponsors or organizes any amateur athletic competition;

(4) "educational institution" means a high school, college, university or other such body which provides instruction to students;

(5) "international amateur athletic competition" means (A) any amateur athletic competition between any athlete or athletes representing the United States, either individually or as part of a team, and any athlete or athletes representing any foreign country, and (B) any amateur athletic competition used to qualify United States amateur athletes for such competition;

(6) "national governing body" means an amateur sports organization which is recognized by the United States Olympic Committee; and

(7) "sanction" means a certification of approval issued by a national governing body.

Sec. 303. No national governing body, sports organization, educational institution, or association of educational institutions may deny or threaten to deny any amateur athlete, coach, trainer, manager, or administrator the opportunity to participate in any international competition sanctioned by the national governing body for the particular sport. No national governing body, sports organization, or association of educational institutions may, subsequent to such competition, censure or otherwise penalize any athlete, coach, trainer, manager, educational institution, or administrator for having participated in such competition. Subsequent to such competition, no educational institution may censure or otherwise penalize any athlete, coach,

trainer, manager, or administrator for having participated in such competition. However, an educational institution which an amateur athlete is attending at the time of such competition may deny the athlete the opportunity to participate if the educational institution reasonably determines that such participation—

(1) would prevent the athlete from meeting the academic requirements which are applicable to all students who participate in the athlete's course of studies; or

(2)(A) occurs during the regular season in the sport in which the athlete competes; and

(B) would jeopardize the athlete's participation and performance in the educational institution's established sports program in the sport in which the athlete competes.

ENFORCEMENT

SEC. 304. (a)(1) Whenever any person is engaged in, or there are reasonable grounds to believe that any person is about to engage in, conduct resulting in a denial of opportunities to participate under section 303 of this title, a civil action for preventive relief, including an application for preliminary or permanent injunction, temporary restraining order, or other applicable order, may be instituted by the amateur athlete, coach, trainer, manager, or administrator claiming to be aggrieved, or on behalf of such athlete, coach, trainer, manager, or administrator by the United States Olympic Committee, by any national governing body, or by any sports organization of which such individual is a member.

(2) The district courts of the United States shall have jurisdiction to enjoin the commission of any acts or threatened acts which would result in a denial of the opportunity to participate in any sanctioned international competition. Upon finding that a person is engaged in or is about to engage in conduct resulting in a denial of rights under section 303 of this title, the court shall issue a preliminary or permanent injunction, temporary restraining order, or other applicable order.

(b)(1) Whenever any person is engaged in, or there are reasonable grounds to believe that any person is about to engage in, conduct resulting in a denial of opportunities to participate under section 303 of this title, an application for arbitration may be instituted by the eligible amateur athlete, coach, trainer, manager, or administrator claiming to be aggrieved, or on behalf of such athlete, coach, trainer, manager, or administrator by the United States Olympic Committee, by any national governing body, or by any sports organization of which such individual is a member. Such application shall be submitted to any regional office of the American Arbitration Association.

(2) The arbitration shall proceed in accordance with the commercial rules of the American Arbitration Association in effect at the time of the filing of the action. The arbitration shall be before a panel of not less than three arbitrators and shall begin as soon as possible but, in any event, no later than 30 days after the dispute is submitted to the American Arbitration Association. However, if the Association determines that it is necessary to expedite the arbitration in order to resolve a matter relating to an amateur athlete competition which is so scheduled that compliance with regular procedures would be unlikely to produce a sufficiently early decision by the Association to do justice to the affected parties, the Association is authorized, upon 48-hour notice to the parties, to hear and decide the matter under such procedures as it deems appropriate.

(3) Each contesting party may be represented by counsel or by any other duly authorized representative at the arbitration proceeding. The parties may offer any evidence which they desire and shall produce such additional evidence as the arbitrators believe necessary to an understanding and determination of the dispute. The arbitrators shall be the sole judges of the relevancy and materiality of the evidence offered. Conformity to legal rules of evidence shall not be necessary.

(4) Any district court of the United States shall have jurisdiction for the purpose of issuing subpoenas to compel the attendance and testimony of witnesses and the production of documents. Upon application of the arbitrators, the court shall issue such subpoenas if the arbitrators reasonably believe them to be necessary or advisable for a better understanding of the dispute.

(5) All decisions by the arbitrators shall be by majority vote unless the concurrence of all is expressly required by the contesting parties.

(6) The arbitrators shall be empowered to attempt to cause the parties to settle their differences, without the necessity of a final arbitration award.

(7) Final decision of the arbitrators shall be binding upon the involved parties.

(8) The hearings may be reopened by the arbitrators upon their own motion or upon the motion of any contesting party, at any time before a final decision is made.

(9) The district courts of the United States shall have jurisdiction to enforce decisions of the arbitrators. A request for such action may be brought by any party to the final decision.

EXHIBIT B

TITLE III, SECTION 303, OF THE AMATEUR SPORTS ACT OF 1978

(PROPOSED BY THE ATHLETES' ADVISORY COUNCIL)

"No National Governing Body, sports organization, educational institution, or association of educational institutions may deny or threaten to deny any amateur athlete, coach, trainer, manager, or administrator the opportunity to participate in any international amateur athletic competition¹ sanctioned by the National Governing Body for the particular sport. Nor may a National Governing Body, sports organization, educational institution, or association of educational institution censure or otherwise penalize any athlete, coach, trainer, manager or administrator for having participated in such a competition. However, an educational institution which an amateur athlete is attending at the time of such competition, may deny the athlete the opportunity to participate if, after an appropriate hearing, the educational institution reasonably determines that such participation would not be consistent with the athlete satisfying academic requirements which are applicable to all students enrolled in the athlete's course of studies."

Mr. DANIELSON. We have one remaining witness today, representing the Road Runners of America, Mr. Jeffrey S. Darman, president.

Do we have a statement from you, sir? For the record, I'd like to have that for the record, and please summarize that.

We do have it. And as much as it's a very ambitious one, it'll be received into the record, without objection, and you may proceed to make your presentation.

[The prepared statement of Mr. Darman follows:]

STATEMENT OF JEFF S. DARMAN, PRESIDENT, ROAD RUNNERS CLUB OF AMERICA (RRCA)

Mr. Chairman, I am Jeff Darman, President of the 35,000 member Road Runners Club of America (RRCA). More commonly known as the RRCA, we are not a National Governing Body (NGB) but are an allied member of the NGB for our sport which is the Amateur Athletic Union (AAU). Almost all our members are active long distance runners. They are all ages and both sexes and belong to our over 145 chapters in 43 states, the District of Columbia, and Guam. In addition, we have At Large members in the other states in which we at the present do not have chapters. The local chapters conduct thousands of long distance races, fun runs, publish newsletters, sponsor beginner clinics, work with city and county recreation departments and other local agencies to promote fitness and generally promote the sport of long distance running for competition, fun, and physical fitness. Our chapters annually conduct programs for over 300,000 participants. By offering free "How To" publications and other assistance we have helped many new local running programs get started all over the U.S. The phenomenal growth of running as a sport and as a means to physical fitness can in large part be credited to the work of our unpaid volunteers and chapters.

The RRCA is a rare example in the world of amateur sports organizations—one administered and controlled solely by athletes. All our officers, Executive Board members, and committee chairpersons are long distance runners. It is symbolic of the problems in the sports structure prevalent in the U.S. today that there is need in this Bill to mandate representation of athletes on the governing boards of NGB's. For all too long NGB's have often neglected and abused the very people they are supposed to be serving. Athletes, often literally with the sweat off their bodies, pay the salaries of sports administrators, many of whom remain insensitive and unresponsive to the athletes' needs. NGB's perpetuate the status quo by excluding or

¹ "International amateur athletic competition" is defined in the bill as "(A) any amateur athletic competition between any athlete representing the United States, either individually or as part of a team, and any athlete or athletes representing any foreign country, and (B) any amateur athletic competition used to qualify United States amateur athletes for such competition."

minimizing the direct voting representation of their governing boards of other national athletic organizations like ours. The legislation you are considering seeks to remedy that by requiring "reasonable representation" of qualified national organizations on the boards of these NGB's in the future. We urge the committee to make clear its position that this representation should be direct rather than indirect as some would like to interpret this section.

In my testimony I will by necessity refer to specific experiences that the RRCA has had with our NGB, the Amateur Athletic Union (AAU). Since the AAU currently is the holder of the international franchise in eight sports it can be assumed that all the experiences of runners with them are not unique.

The RRCA which has been in the forefront in promoting running for women, people over 40, and children has unfortunately often found itself at odds with our National Governing Body. In the 1960's some of our members were threatened with lifetime suspension for promoting a 2½ mile cross country race for women. The reason, it was against the NGB's archaic rules. No one had any valid reasons for not having such events for women or was rushing to change the rules so we held it under our jurisdiction. Similar threats were hurled when we let women and men run together in competition which was also banned until the 1970's. Thanks to the persistence of many of our members and chapters, womens distance running is growing at an equal or faster rate than running in general. That this had to be done in conflict with the National Governing Body points out part of the basic problem—the resistance of those bodies to change because of unrepresentative voting structures.

Our sport represents a case history of why an overhaul is needed in amateur sports governance.

In the past our so-called minor sport often was ignored; but after much hard work by ours and other organizations, the sport started booming and the AAU quickly became interested. As Track and Field News, the oldest and one of the most prestigious national running magazines recently put it, "Americans have discovered road racing. Unfortunately, so has the Amateur Athletic Union." That editorial lament is symbolic of the general feeling that when the NGB's get involved, watch out.

The disputes in distance running usually center around sanctions and the National Governing Body's claim that all international as well as domestic running events must be sanctioned by them. Any open, domestic competition they claim must have their approval. In addition, in order to get the NGB sanction, it is required that each runner—whether there be 30 or 3,000 in a race—buy an AAU card to assure that all participants are amateurs. Then this logic continues no one will be "contaminated" and the amateur status of all will be "protected." (From whom are we being protected—the answer ironically is our own AAU.) There seems to be no willingness to recognize that running is a unique sport, one in which thousands often compete in a single race or fun run, where 70-year-olds line up in the same field with a Frank Shorter or a Bill Rodgers, and that these events are often the first competitive athletic experience for many adult men and women. This should be a source of great pride to our nation and even to the NGB. But the NGB has instead insisted on a system of registration and sanctions ostensibly designed to protect the elite marathoners who might one day go to the Olympics or Pan-Am Games (six people in every four years). The overwhelming majority of the participants in our sport, the 40-year-old lawyers and businessmen, the housewives, the school teachers, and the working women, and yes, even some Congressmen and their aides neither possess the ability or desire necessary to be Olympians. Thus, the worry about the youngster who might grow up to be an Olympian, who runs with a 50-year-old non-AAU card holder and thus becomes "contaminated" is a red herring. It is a "red herring" because the current registration system alienated the masses of runners while not surfacing any professionals. The current system neither proves you are an amateur nor is necessary under international rules.

AAU sanction and registration in long distance running has come to represent a financial outlay and tax on runners that brings with it few if any services. The quality of an event has nothing to do with the AAU sanction and most events without our NGB's blessings are equal or superior to those with NGB sanction. Many of the problems I relate are of course not new ones. What is new is the growth in running. Such eminent individuals as General MacArthur, Theodore Kheel, Archibald Cox, Hubert Humphrey, and Robert Kennedy tried without success to settle these problems. The Kheel Commission in its 1968 arbitration report said, "The AAU is not entitled . . . to be or claim to be the sole governing body for domestic competition. No law grants the AAU that authority. Neither the IAAF or any other international body could confer it even if one tried . . . no organization is

entitled legally or morally to a monopoly of track and field athletes or their dues or of the conduct of the administration of their events . . . For the AAU to attempt to use its international position in order to boost its control over purely domestic competition would therefore be an abuse of power."

So rather than rejoicing at the running boom, the AAU has instead advocated a "running tax"—a head tax, or license to run, for all runners be they world class or the jogger taking his or her first competitive steps in a community fun run like the Bloomsday event in Spokane, Washington, or the Cherry Blossom ten-mile in Washington, D.C. It is interesting to note that if current AAU policy were complied with an event like the Cherry Blossom, now free to the over 3,000 participants, would cost all of them at least \$4.00 plus require a 400-500 dollar sanction fee. We vehemently oppose this and ask that any Federal sports law be designed to retain the freedom of U.S. citizens to run without payment of arbitrary surcharges to private groups.

Many race directors around the country refuse to impose this tax on fitness and instead are severing relations with the NGB. The AAU surcharge is neither necessary to prove international amateur standing nor an efficient way to raise money for financing an NGB. But more importantly U.S. citizens should not be forced to pay extra fees over and above what a race director thinks is a necessary entry fee for his or her race. The actual work of putting on long distance races is mostly handled by amateur runners who administer on a volunteer basis the local organizations that conduct the events. Shouldn't these race directors have the freedom to continue promoting their sport and fun runs in the manner that has produced perhaps the greatest mass movement towards fitness in the history of this country, while at the same time affording elite runners competitive opportunities never before available or dreamed of?

Money is not the key issue here, but rather the issue is the creation of a National Governing Body and a USOC that recognizes and protects the rights of runners to run without explicit permission of a national bureaucracy everytime they step to the line. The issue is whether athletes and their organizations should have a say in determining policies that affect them. The issue is whether runners like Tom Allison¹ of Pittsburgh, Pennsylvania, who trained all winter for a chance to run in the Boston Marathon, should be cruelly deprived of that opportunity three days before the race without justification and without a hearing. The issue is whether having been deprived of the right to compete, does a runner like Tom Allison deserve to be harassed, stalled, and declared ineligible by the AAU for three and a half months while still unable to get a hearing. And the issue is how do we design a system that can give the Tom Allisons some guarantee that it won't happen again next week, or next month, when nobody is looking. We can't give Tom Allison back his chance to run the Boston Marathon this year after spending months training for that event but perhaps the Congress can adopt legislation that will mandate restructuring of the National Governing Bodies in a manner that creates NGB's responsive to athletes. The Congress can help create amateur sports organizations that won't look at the Tom Allisons as chattel without any rights, but will see them as individual athletes who are innocent until proven guilty and who deserve due process like other U.S. citizens. With stringent rules for recognition as an NGB in the future the Congress can lay the foundation for a system that will build progressive NGB's and which will eradicate those that infringe on the rights of athletes like Tom Allison.

Finally: The RRCA, which is an organization of athletes, has been encouraged by the compromise on Athlete's Rights worked out between the USOC Athlete's Advisory Committee and the school/college community. But I would be untruthful if I didn't tell you that we would be more comfortable with a strong statement in the Bill concerning the rights of athletes to compete in domestic, international, restricted and unrestricted competition unfettered by unreasonable and often arbitrary regulations. However, we recognize the disparate interests that must be served for a compromise to be arrived at and in this instance believe half a loaf is in fact better than no loaf at all.

That said it should be the view of the Congress that this legislation before you is but one part of the solution and that additional parts will likely be necessary. If this legislation does become law, strong oversight by the Congress is crucial. It must be remembered that many of the recent progressive steps taken in the amateur sports community including those of the USOC were not brought about purely through the forces of good triumphing over those of evil. They were in large part a reaction to and fear of the President's Commission on Olympic Sports (PCOS) and the report's recommended Federal legislation. Thus the passage of this legislation should be

¹ Documentation attached.

coupled with a commitment to address later those domestic problems which this legislation does not now directly deal with, if they in fact are not quickly alleviated by H.R. 12626.

Some of the ills that plague amateur sports, arbitrary eligibility requirements, lack of due process for athletes, abusive use of sanctioning authority are but symptoms. The underlying causes of these problems are found in the organizations that govern the sports and the rules that allow these groups to remain in power while representing a minority viewpoint. H.R. 12626 is aimed at opening up those organizations and making them representative. It is aimed at ending the paradoxical situation that pits many athletes against the very NGB's, and even the USOC, groups that were theoretically created to serve them. This legislation does not and can not guarantee that all disputes will disappear. But it is a long overdue start.

APPENDIX

Title II, Section 201(b)(9)—provides for "reasonable representation on its board of directors." We believe this provision warrants close examination with a view toward assuring that the true intent is met and that all groups with a viable national program in an individual sport are properly represented on the NGB's board. The addition of the word "direct" before representation and discussion of the intent in the legislative history can overcome this concern. The President's Commission on Olympic Sports (PCOS) intent was that this representation be direct and we understand that is the intent of the legislation. Furthermore, the method of swift resolution or arbitration of any disagreement over the representation should be clearly stated in the report.

Title II, Section 202—We ask that the committee report clearly state that neither organizational or individual membership of competing athletes in an NGB is a necessary criteria for issuance of an international sanction. Any change in the definition of international competition could adversely affect the conduct of long distance events.

Title II, Section 205(a)(1)—Add after "delay" in line 14 "and are not in accordance with accepted principles of due process in the United States." This would strengthen this section and assure the intent of due process is met by NGB.

ORGANIZED NOV. 19TH, 1917

Allegheny Mountain Association

— OF THE —

Amateur Athletic Union of the United States

— OFFICERS —

PRESIDENT—CHARLES W. SCHROEDER, RTI ALJO DRIVE, PITTSBURGH, PA. 15241
 FIRST VICE PRESIDENT—ROBERT S. KLANUT
 SECOND VICE PRESIDENT—BENJAMIN W. HARELTINE, ESQ.



REGISTRATION COMMITTEE
 ROBERT M. WARNER, CHAIRMAN
 FRANK A. BREZINER
 DUANE G. LEIER
 JOHN LARRICK

SECRETARY—TREASURER
 RUE TAYLOR
 807 HAGEE BUILDING
 PITTSBURGH, PA. 15226
 (412) 291-5754

March 7, 1978

To the officers of the Human Energy Running Club:

Please be advised that the AMA-AAU Registration Committee has decided against renewing the 1978 membership for the Human Energy Running Club AND its officers. All other members will be accepted as "unattached" members. Reasons for this action:

1. Issuing entry forms and/or sponsoring meets without AMA-AAU sanction. This information was noted in a local track publication, "The Finish Line".
2. Violation of Article 54, Rule 454.11-Paragraph (a), 1977 AAU Code Book, Page 83. (Copy Attached).

If any of your present members wish to withdraw membership in the AMA-AAU because of this action, their membership fee will be returned upon a letter of resignation from the AMA-AAU.

Because of the serious nature of this action, I will only accept written communications only. Please address all mail to the local office of the AMA-AAU.

Yours truly,

Duane G. Leier
 Duane G. Leier
 Registration Committee, Track & Field

Copies to: AMA-AAU Officers
 National AAU Officers
 AMA Track & Field Sport Chairpersons

LAKE ERIE ASSOCIATION OF THE AMATEUR ATHLETIC UNION OF THE UNITED STATES

President
DANIEL E. FERRAZZA

Secretary-Treasurer
JOHN S. MACY

First Vice President
EUGENE GIBBONS

Second Vice President
ROBERT BULLEY

Third Vice President
WILLIAM RUPPA

Fourth Vice President
IRWIN ALBERT

Fifth Vice President
MIKE SALOWIN

ROOM 8, CITY HALL
CLEVELAND, OHIO 44114



May 2, 1978

LEGAL ADVISOR
James H. Hirsch

Irwin Silber

**EXECUTIVE
COMMITTEE**

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Jack Cleveland
Sam Davila
*Otis Downs
Wylie Farrier
*Dr. Robert Gunninger
*K. Alfred Hardy
Jack Hawkitt
Wm. "Drew" Jackson
*Frances Kozubinski
*Joseph Knight
*Cec. J. Kusak
*Earl Hugg
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*William Weber
*Past President

EXECUTIVE

COMMISSIONER

William Weber
 1988

COMMISSIONERS
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**George
Paul Kelly**

(Murem)

Don Canales
(Loreain)

Anthony Vitti
 Vice President, Marketing

R. E. Gentry

(Discovered)

(Summer)

Vernon Pichardson
(Stanh. Warden)

TABLE 1

Reno Staronni, Director
REVCO CLEVELAND MARATHON
878 Wellmon
Bedford, Ohio 44146

James Klett, Chairman
LEA-AAU LONG DISTANCE RUNNING COMMITTEE
311 Perdue Street
Akron, Ohio 44310

Gentlemen:

The Lake Erie Association has been notified by the Allegheny Mountain Association that two long distance runners are not eligible to compete in the marathon or any other race sanctioned by this Association for Sunday, May 14, 1978.

The runners are Sam Baig, professional and not re-instated at the last annual AAU convention in Columbus, Ohio last October; and Tom Allison, currently under suspension by the Allegheny Mountain Association.

We are duty bound to pass this information along to you so that a mixup does not occur in Revco's first annual marathon. We were also notified that entries were accepted from these two runners in Boston, but when the meet officials were so informed the entries were rejected.

If either of these two athletes has already entered, please communicate with me at once. The three-digit prefix for the AMA Association is 118. Under no circumstances can these two athletes be permitted to compete in this marathon bearing the Lake Erie Association sanction.

Sincerely yours,

John S. Negy, Chairman
LEA-AAU REGISTRATION COMMITTEE

OHIO COUNTIES IN THE LAKE ERIE ASSOCIATION OF THE A.A.U.

Ashland, Ashburn, Carroll, Crawford, Cuyahoga, Erie, Geauga, Holmes, Huron, Lata, Lorain,

[illegible]

ORGANIZED NOV. 18TH, 1917

Allegheny Mountain Association

— OF THE —

Amateur Athletic Union of the United States

— OFFICERS —

PRESIDENT—CHARLES W. SCHROEDER, 871 ALJO DRIVE, PITTSBURGH, PA. 15241
 FIRST VICE PRESIDENT—ROBERT G. BLANET
 SECOND VICE PRESIDENT—BENJAMIN W. HARTLINE, ESQ.



REGISTRATION COMMITTEE
 ROBERT M. WARREN, CHAIRMAN
 FRANK A. BRZESINSKI
 GUANG S. LEIER
 JOHN LARRICK

May 3rd, 1978

SECRETARY—TREASURER
 SUE TAYLOR
 907 MAGES BUILDING
 PITTSBURGH, PA. 15222
 (412) 961-3754

Mr. Hugh Stohbs
 30 Greenwood Ave.
 Wheeling, W. Va. 26003

Dear Mr. Stohbs:

I have gone over your entry blank but nowhere do I find a statement that the meet is sanctioned by the Ally. Mt. Ass'n., which should appear on all entry blanks. Nowhere do I find a space for recording AAU registration number. I am enclosing an old entry form and have outlined in red crayon (see both pages) the facts that I have mentioned. I believe this was also the case in your last year's entry form. If you should continue this event next year I would suggest that you send our office a copy of your entry form BEFORE you have them printed.

The enclosed newspaper article mentions 2 track athletes whom we have declared ineligible to compete in A. A. U. events. I have no way of knowing whether or not they may have tried to enter your meet.

Under separate cover I am sending you some registration applications in case some of the athletes are not already registered. If you need more, please advise me.

Yours,

Sue Taylor
 Sue Taylor

Post 4/17/78

Bair, Allison Kicked Out Of Marathon by AAU Rule

By VITO STELLINO
Post-Gazette Sports Writer

In a sports world filled these days with disputes and strife, marathon running seems to be a tranquil island in a sea of disharmony.

There can't possibly be anything controversial about the solitary sport of marathon running. Right? Wrong.

In an incident which seems to be right out of a Kafka novel, two of Pittsburgh's top marathon runners—Sam Bair and Tom Allison—have been boot-ed out of today's Boston Marathon by the Pittsburgh chapter of the Amateur Athletic Union (AAU).

Bair, a former world class miler, and Allison had been seeded in the top 100 runners at Boston, entitling them to a spot in the front row of the field of more than 4,000 runners.

The 82nd annual Boston Marathon is the most prestigious event in marathon running. The field for today's run will include record holder Bill Rodgers and former Olympic champion Frank Shorter. As recently as 1965, the average field was only 250 runners, but interest in the event has mushroomed in recent years.

Bair and Allison were expected to lead the contingent from the Human

Energy Running Club, which finished fifth in the team standings at Boston last year and hoped to challenge for the team title this year.

But the AAU also barred the team from the meet and the rest of the Human Energy runners will have to race as "unattached."

Allison and the Human Energy Club ran afoul of the AAU's somewhat arcane rules by staging meets without asking for AAU sanction and paying a fee to the AAU. Allison and the team were suspended by the local AAU chapter.

Bair was a former pro runner who is now a track coach and has applied to become an amateur again although the AAU says he hasn't met all the qualifications because he gave his \$750 in pro winnings to a charity instead of the AAU.

All this seemed inconsequential until an article appeared in Thursday's Post-Gazette about the Human Energy Club's plans to run at Boston. The Pittsburgh AAU then contacted the Boston officials and said that Allison and Bair should be barred from the Marathon because they don't have AAU cards. The Boston Marathon is sanctioned by the AAU.



University of Pittsburgh

HEALTH, PHYSICAL AND RECREATION EDUCATION
Human Energy Research Laboratory

May 5, 1978

Officere of the A.M.A.-A.A.U.
and Members of the Registration Committee
507 Magee Bldg.
Pittsburgh, PA 15222

To whom it may concern:

On April 24, 1978, I came in person to the A.M.A.-A.A.U. office and picked up a letter addressed to me. The letter was dated March 7, 1978. This was a certified letter which was inadvertently unclaimed by myself after attempt was made to deliver it. The fact that it was "unclaimed" is appropriately noted on the letter.

The contents of this letter indicate that "the A.M.A.-A.A.U. Registration Committee has decided against renewing the 1978 membership for the Human Energy Running Club AND its officers." As an individual athlete, I would like to formally appeal this decision by the A.M.A.-A.A.U. Registration Committee to prevent me from registering as an amateur athlete with the A.A.U. Please consider this letter as a formal request for an appeal before the appropriate body. Please send any further information concerning necessary procedure on my part.

I am also requesting a copy of the A.A.U. Code. I will gladly remit any necessary monies for a Code Book. Thank you.

Signed,
Thomas G. Allison
Thomas G. Allison



University of Pittsburgh

HEALTH, PHYSICAL AND RECREATION EDUCATION
Human Energy Research Laboratory

May 11, 1978

United States Olympic Committee
Olympic House
57 Park Avenue
New York, NY 10016

Dear Sirs:

I would like to file a complaint against the Amateur Athletic Union (A.A.U.) under provisions accorded in Article V, Section 5 of the U.S.O.C. Constitution, By-Laws, and General Rules. Specifically, I maintain that I have been denied membership in the A.A.U. by the officers of the Allegheny Mountain Association (A.M.A.) without a hearing and/or proof of charges. I cite Article III, Section 3, paragraph c) of the U.S.O.C. Constitution.

Early in 1978 I contacted the A.M.A.-A.A.U. office and requested an individual registration form for 1978. The office took my name and address and gave no indication that such form would not be sent. I have not to this date yet received a registration form for 1978. I was a registered A.A.U. athlete in 1977, as in many previous years, and finished the year in good standing.

On March 7, 1978, the enclosed letter was sent to me by Duane G. Leier, Registration Committee, Track and Field, of the A.M.A.-A.A.U. Please note that I had received no prior notification of charges; such charges have not as yet been addressed by myself. No right of appeal was mentioned. Furthermore, no date for a hearing was included in the March 7 letter, nor has any hearing been yet conducted or date set. I believe that the A.M.A.-A.A.U. is in clear violation of its own rules set down in Article II, Section 211.1, paragraph a) of the A.A.U. Code, which provides for written statement of charges, indication of penalties if such charges are proved, and a date at which time a hearing will be had. This hearing is to be within 30 days of notification of charges.

All this time I have been under suspension from the A.A.U. and have missed several important races, including the Boston Marathon, from which I was suspended following specific and direct intervention in the matter by officers of the A.M.A.-A.A.U. Prior to their action on April 13, four days prior to the race, I was accepted as an entrant in that international competition and seeded 50th out of 4,700 competitors.

During that time I was not advised by the A.M.A.-A.A.U. of any right of appeal. Nor was I advised by any A.A.U. officials of procedures of appeal to the U.S.O.C. I have only recently been advised of complaint procedures within the U.S.O.C. by a national officer in the Road Runners Club of America.

PITTSBURGH, PA. 15261

On May 5, I sent the enclosed letter to the A.M.A.-A.A.U. officers. I have been in contact with the A.M.A. President, Charles Schroeder, twice by phone since his receipt of the letter on May 6. After allegedly conferring with the Registration Committeeperson for Track and Field, Duane Leier, he denied my request to withdraw my suspension and allow me to register with the A.A.U. as an amateur athlete until such time as I could answer the charges in a hearing. No date for a hearing has as yet been established, and my suspension still carries on--now for more than 60 days--without a hearing or proof of charges. In addition, the A.M.A.-A.A.U. continues to thwart my competitive efforts by calling other A.A.U. associations and asking them to suspend me from events held within their districts. Specifically, A.M.A.-A.A.U. President, Charles Schroeder, phoned the Lake Erie A.A.U. and asked to have me suspended from the Cleveland-Revco Marathon on May 14. Although I have in the past registered as a long-distance runner within the A.A.U., I have not yet had any correspondence from the Long Distance Chairman of the A.M.A.-A.A.U., only the Track and Field Registration Committeeperson and the A.M.A. President.

In addition to being unable to compete as an amateur athlete while under this suspension, I have also been under emotional stress and have had to devote large and unnecessary amounts of time, energy and money in an attempt to rectify the situation. My training has greatly suffered. I have had minor health problems which I believe are due to improper rest and excess stress; my work and family relationships have suffered. Much valuable time which I should have spent finishing my doctoral dissertation has gone into letter writing, phone calls, and meetings.

As a competitive marathon runner, I have set a goal to qualify for the 1980 Olympic Trials. I have already lost at least one important chance to better my performance and have been set back in training by this suspension from the A.A.U. Again, I suggest that I have been deprived of due process; not only from the standpoint of the A.A.U. Code, but the U.S.O.C. Constitution as well. I trust that you can act upon this complaint in the near future so that I may be relieved of this burden and may resume competition. Thank you.

Yours truly,

Thomas G. Allison
Thomas G. Allison

TGA/klu

Enclosure

AMATEUR ATHLETIC UNION

OFFICE

THE SECRETARY

PITTSBURGH 22, PA.

507 MAGEE BUILDING

CERTIFIED

No. 553462

MAIL

c/o

HUMAN ENERGY RUNNING CLUB

THOMAS ALLISON

4136 MURRAY AVENUE

PITTSBURGH, PENNA.

152176

UNCLAIMED

UNCLAIMED

Letter # 553462
(Certified Mail) picked
up in the U.M.C.
Office by Tom Millman
on April 24, 1978.
Signed
Lester Vott



University of Pittsburgh

HEALTH, PHYSICAL AND RECREATION EDUCATION
Human Energy Research Laboratory

May 16, 1978

Charles Schroeder, President
Allegheny Mountain Association
671 Aljo Dr.
Pittsburgh, Pa. 15241

Dear Mr. Schroeder:

In a phone conversation on the evening of May 8, 1978 we discussed my May 5 letter of appeal. You will recall that I asked you to lift my suspension from the A.A.U. until such time as a hearing could be properly conducted and charges addressed by myself. You indicated that you could or would not do this, and furthermore, that you would inform me in writing of that decision. Eight (8) full days have now elapsed since that promise, but I still have not received any written communication from you. I trust that you are acting in good faith and will shortly send me that written verification of your decision.

During our conversations of May 6 and May 8 you indicated that you were conferring with both Mr. Leier of the Registration Committee and a Mr. Martinelli, presumably the same individual who is Chairman of Track and Field. Could you please explain to me what jurisdiction this latter person has in this matter? He is neither an officer of the A.M.A. nor on the Registration Committee, and I am not a Track and Field athlete. If you check my previous registrations, you will note that I have been registered as a Long Distance athlete for the last several years.

In my letter of May 5 I also asked to have sent to me a copy of the A.A.U. Code. In our three (3) years as a registered A.M.A.-A.A.U. club, no officers ever received a Code Book. I am still awaiting receipt of the requested copy. As I indicated, I will gladly remit the necessary fee when I receive the Code Book.

I trust that you can attend to these matters quickly. Any further delays will only serve to prolong this suspension which has interfered with my career as an amateur athlete. I again repeat my request for notification of a hearing so that I may address the charges presented in the March 7, 1978 letter from Duane Leier.

- Yours truly,

Thomas G. Allison
Thomas G. Allison

TGA/dmz

cc: United States Olympic Committee
Theodore E. Sreault
Doug Walgren
Jeffrey Darman
Ed Williams
A.M.A.-A.A.U. Officers
National A.A.U. Officers

PITTSBURGH, PA. 15201



REGISTRATION COMMITTEE
ROBERT M. WARNEE, CHAIRMAN
FRANK A. SWIEZENSKI
DUANE G. LEIER
JOHN LARRICK

ORGANIZED NOV. 15TH, 1917

Allegheny Mountain Association

—OF THE—

Amateur Athletic Union of the United States

—OFFICERS—

PRESIDENT—CHARLES W. SCHROEDER, 271 ALJO DRIVE, PITTSBURGH, PA. 15201
FIRST VICE PRESIDENT—ROBERT D. KHAMUT
SECOND VICE PRESIDENT—BENJAMIN W. NASELTINE, ESQ.

SECRETARY—TREASURER
SUE TAYLOR
907 MADEE BUILDING
PITTSBURGH, PA. 15222
(412) 261-3754

May 18, 1978

Mr Thomas G. Allison
4136 Murry Avenue
Pittsburgh, PA. 15217

Dear Mr. Allison,

This is in reply to your letter of May 16, 1978:

In the Phone conversation of May 8th we discussed your letter of appeal (5/5/78) and the proper procedure for this is outlined in the AAU code book. It is not in my jurisdiction to waive this letter of notification (3/7/78) or grant any changes. This certified letter was unclaimed at the known address, which is presently your address, and we could not act on setting up an appeal date under the circumstances.

You mentioned to me that you would stop at the AAU office and pick up a rule book. Some should be available at this time. Each member club automatically receives this book so your club should have one on file. You indicate who has jurisdiction in this matter so assume you have access to this book. For your information Mr. Martinelli is Chairman of Track & Field (Athletics) and therefore is the Head of the Sports Governing Body.

You indicated by phone you were no longer an Officer of the Human Energy Club thus this notification letter did not apply to you as an individual. This problem took place while you were an Officer and is retroactive until the situation has been dealt with.

May I state that you have not been suspended. You did not apply for renewal when your membership was due.

You will be notified in writing by the registration committee as to the date for your appeal.

Sincerely,

Charles W. Schroeder
Charles W. Schroeder
President, AMA-AAU

cc: D. Leier



University of Pittsburgh

HEALTH, PHYSICAL AND RECREATION EDUCATION
Human Energy Research Laboratory

May 19, 1978

United States Olympic Committee
Olympic House
57 Park Avenue
New York, NY 10016

Dear Sirs:

I am enclosing a copy of a letter sent to Charles Schroeder, President of the Allegheny Mountain Association of the Amateur Athletic Union. Please include this letter with my May 9, 1978, complaint against the AAU.

I called Mr. Schroeder to follow up my letter of May 5, 1978. I have previously forwarded a copy of that letter to you. In the letter, I asked to be allowed to register as an amateur athlete with the AAU and to appeal the action of the Allegheny Mountain Association in denying me a card for 1978. In our phone conversation, I repeated my request for a 1978 registration form, which I had previously requested but did not receive. I appealed to Mr. Schroeder that I had not yet been given a hearing and that the charges against me had not yet been proven, so I should not be deprived of my right to register and compete.

In a subsequent conversation on May 8, Mr. Schroeder informed me that I could not register until such time as the AMA-AAU should set and conduct a hearing. In essence, then, I could not compete in AAU competition until I could prove myself innocent, in a hearing set at their convenience. I do not feel that this constitutes due process, according to any rules.

Specific and direct action by the AMA-AAU to disrupt my competitive efforts continues. As I indicated before, the AMA-AAU sought to have me disqualified from running in the Cleveland-Revco Marathon on May 14. Now I have been informed by the Race Director of the Wheeling Distance Race on May 27 that the AMA-AAU is seeking to have me barred from that event also.

I hope that you can respond to my complaint and help me to resolve the matter of exclusion from the AAU so that I can resume my athletic career unimpeded.

Yours truly,

Thomas G. Allison

TGA/klw
Enclosure



University of Pittsburgh

HEALTH, PHYSICAL AND RECREATION EDUCATION
Human Energy Research Laboratory

May 22, 1978

Mr. Charles W. Schroeder
President, AMA-AAU
671 Aljo Drive
Pittsburgh, PA 15261

Dear Mr. Schroeder:

This is in reply to your letter of May 18, 1978. I would like to respond to a few points you made in that letter.

First of all, I am still the President of the Human Energy Running Club and proud to be so. I indicated to you by phone that our club was meeting soon to consider new officers; and, since I am soon to be moving from the Pittsburgh area, it is possible that I will no longer continue as President. I did ask, however, to be permitted to register as an individual athlete until such time as the matter of registration of the Human Energy Running Club could be resolved. I hope that this serves to clarify my position. I did not intend to give you the impression that I was disassociating myself from the Human Energy Running Club.

Secondly, concerning the AAU Code Book, I am surprised to read that "each member club automatically receives [sic] this book." Human Energy was a registered AMA-AAU club in 1975, 1976, and 1977, and no one in the club has yet been sent a Code Book or a copy of the constitution and by-laws of the AMA-AAU. In 1973, moreover, I organized the Central Track Club, which became a member of the AMA-AAU. At that time, I did not receive an AAU Code Book either. Recently, however, I have obtained a Code Book on loan from a friend who sent to the National AAU office in Indianapolis to obtain it. It is dated 1977, however, and I would of course like my own copy; especially since you indicate I should have received one long ago.

Thirdly, I am glad to see that the AMA-AAU is finally stating that the March 7, 1978 letter to me from Duane Leier was "unclaimed", rather than "refused". I am under the impression that the purpose of a certified letter, return requested, is to insure that the individual receives notification of the AAU's action. When it was discovered that the letter was "unclaimed", perhaps I could have been called and notified of this important letter. Mr. Leier has called me both at home and work in the past. Moreover, Sue Taylor called me at work last year to seek medical referral for an AAU athlete. While my wife and I were not at home when attempt was made to deliver the March 7, 1978, letter, I could easily have been reached at home or work when the letter was returned. I have been told that it is the function of the AAU to "protect" the amateur athlete.

PITTSBURGH, PA. 15261

Fourthly, you state that I "have not been suspended." You further state that I "did not apply for renewal when [my] membership was due." If, indeed, the AMA-AAU has not taken any action to suspend me, I don't understand the purpose of the March 7, 1978, letter. Can the AMA-AAU suspend the right to a club and its officers to even apply for membership? In Mr. Leier's March 7, 1978, letter, it seems to me that the Registration Committee is doing that very thing. You must be aware that I did call the AMA-AAU office earlier this year and ask for a registration form for myself. My name and address were taken, but I never received said form. During the same conversation, I requested a club registration form for the Human Energy Running Club. In response to this request, the secretary indicated that she would not send the requested form. If, on one hand, I am not under suspension--but, on the other hand, I am unable at this time to obtain a 1978 AAU card--just what is my status? In this instance, how have the principle and particulars of due process been served?

Allow me to explain that myself and all other members of the Human Energy Running Club are adult sportsmen who run for reasons of health, recreation, and personal satisfaction. We do, however, take our sport very seriously and value our right to participate in it. I hope that we can soon enjoy our sport to the fullest extent.

Yours truly,

Thomas G. Allison

Thomas G. Allison

TGA/klu

cc: United States Olympic Committee
Theodore E. Breault
Jeffrey Darman
Ed Williams
Doug Walgren
Duane Leier
National AAU Officers

May 23, 1978

Colonel Don Miller
Executive Director
USOC
57 Park Ave.
New York, NY 10016

Dear Colonel Miller

I know you have of late been receiving correspondence concerning the case of Mr. Tom Allison. My letter to the AAU on this matter is enclosed to keep you informed. How an organization can inform both a club and its officers that as of a certain date they are not allowed to join because of some supposed infractions is beyond me. There was obviously not even the guise of due process in this case. A letter was sent saying you can't join period. The letter doesn't say you are charged with such and such and you should appear to defend yourself—it just says you are out.

This unfortunately is just one small example of the kind of activity rampant at the local level with the NGB for our sport. We are volunteers most of whom are competing athletes. It is hard to take part in a sport, promote it and to also have to respond to harassment on an ongoing basis.

I intend to continue pointing out the failings of our NGB while keeping the USOC informed. It is my hope that perhaps at the appropriate time you can bring some corrective action. For the short term I would appreciate Mr. Allison's case receiving your immediate attention. For our membership to be supportive of the USOC and all its efforts it must be shown that it will be supportive of the rights of our members when they are wronged.

Sincerely,

Jeff Darman

RRCA President



ROAD RUNNERS CLUB of AMERICA

May 23, 1976

Ollan C. ssall
Executive Director
AAU
Indianapolis, IN

Dear Ollan:

I am writing to protest on behalf of an RRCA member, Mr. Tom Allison. There has been a wanton disregard for due process by the AAU in his case. The Allegheny Mountain AAU has denied Mr. Allison the right to join that association and has taken overt action to stop him from competing. Specifically their action kept Mr. Allison from running in the Boston Marathon, an event of international significance. They have also contacted other officials in other cities in an attempt to deprive him of his right to compete.

The action which resulted in his being suspended and ruled ineligible from competing in the Boston Marathon was a violation of the USOC constitution Article III section 3(c) which states, "shall not deny eligibility to any athlete except after according such athlete fair notice and hearing as to the issue of his or her eligibility." The AAU also has some due process requirements requirements of its own I presume that it abides by on occasion.

Mr. Allison was in contact with AMAAAU officials both before and after the Boston race but as of yet has not gotten an explanation of this intolerable situation. As the NGB it is incumbent on you to take firm action to assure that Mr. Allison is no longer deprived of his right to compete. I ask that you immediately inform the AMAAAU of its error in writing and send copy of such letter to me.

I look forward to your comments and proposed action. Further delay would add to this breach of an athlete's right to compete.

Sincerely,

Joel Ferrell
Joel Ferrell
President

c.c. Joel Ferrell
Bob Campbell
Tom Allison
Ed Williams
Kenny Moore
Stuart Brahs
Colonel Don Miller

Congressman Norman Y. Mineta
Congressman Robert Michael

ORGANIZED NOV. 10TH, 1917

**Allegheny Mountain Association**

— OF THE —

Amateur Athletic Union of the United States

— OFFICERS —

PRESIDENT—CHARLES W. SCHROEDER, 871 ALJO DRIVE, PITTSBURGH, PA. 15241
 FIRST VICE PRESIDENT—ROBERT G. RLAHUT
 SECOND VICE PRESIDENT—BENJAMIN W. HASELTINE, SRQ

REGISTRATION COMMITTEE
 ROBERT M. WARNER, CHAIRMAN
 FRANK A. BRZEZINSKI
 DUANE G. LEIER
 JOHN LARRICK

SECRETARY—TREASURER
 RUE TAYLOR
 807 MAGEE BUILDING
 PITTSBURGH, PA. 15222
 (412) 531-5784

May 31, 1978

Dear Mr. Allison:

I am receipt of your letter dated May 22, 1978 to Mr. Schroeder, in regards to your concern for membership in AMA-AAU as an individual athlete.

In reading over your letters of May 5, 1978 and May 22, 1978, it appears to me, that you do have a genuine concern in becoming a member of the AMA-AAU. As I have mentioned to you in phone conversation and letter that no one in the AMA-AAU, especially myself, is trying to keep anyone who wants to abide by the AAU Code, from becoming active in the promotion of amateur sports.

You must agree also that there are no, and cannot be, any exceptions to the Code because an individual is dissatisfied with some of its provisions.

Because we disagree whether you made formal application to AMA-AAU, I am sending you an AMA-AAU application form with this letter. Upon return receipt of your application, I will meet with the Registration Committee and advise you of any decision that is made.

Along with your application, please indicate whether you competed in any meets not sanctioned by the AMA-AAU or other associations in the AAU during the period of time you did hold an AAU card.

Sincerely,

Duane G. Leier
 Registration Committee
 Track & Field

cc: AAU Officers



AAU House, 3400 West 86th Street, Indianapolis, Indiana 46268 (317) 297-2900
Cable Address: "Athletic" Indianapolis

NATIONAL OFFICERS

President: JOEL FERRELL
c/o AAO, Inc., Arnold Air Force Station, Tennessee 37389
First Vice President: ROBERT HELMICK
2000 Financial Center, 7th and Walnut, Des Moines, Iowa 50319
Second Vice President: JOSEPH HENSON
3466 Mildred Drive, Falls Church, Virginia 22042
Secretary: RICHARD E. HARKINS
201 East Armour Blvd., Kansas City, Missouri 64111
Treasurer: RAY WEATLEY
502 Devon Ct., S.E., R.O. Ranch, New Mexico 87124

31 May 1978

Mr. Jeffrey S. Darman
2737 Devonshire Pl., N.W.
Washington, DC 20008

Dear Jeff:

This acknowledges your letter of May 22 in which you address the situation surrounding Mr. Tom Allison. Material has been received from our Allegheny Mountain Association concerning Mr. Allison's situation and it appears the due process course within AAU rules is being followed. It certainly appears Mr. Allison is receiving due consideration since there has been a number of letter exchanges as well as telephone calls and it appears telephone conversation with the Allegheny Mountain Association.

It appears to me this is a situation totally created surrounding a misunderstanding and I feel certain it will be adjusted soon.

Best regards,

Alan Conell
ALAN O. CONELL
Executive Director

OCC:atv

EDWARD WILLIAMS
184 COLUMBIA HEIGHTS
BROOKLYN NY 11201



4-076119E157 06/06/78 ICS IPHRNCZ CSP WSHB
6145321335 MGM TORN SOUTH POINT OH 300 06-06 0924P EST

JEFF OARMON
2737 DEVONSHIRE PL NORTHWEST
WASHINGTON DC 20008

THIS IS A COPY OF A MESSAGE THAT WAS SENT TO COL F OON MILLER EXECUTIVE
DIRECTOR U.S. OLYMPIC COMMITTEE 57 PARK AVE NEW YORK NY 100161

DEAR COLONEL MILLER:

I AM INFORMED THAT AS OF THIS DATE, JUNE 6, THE USOC HAS NOT YET SENT A
DATE FOR A HEARING TO CONSIDER THE COMPLAINT FILED BY TOM ALLISON
ALLEGING LACK OF DUE PROCESS BY THE AAU. THIS COMPLAINT WAS FILED WITH
USOC ON MAY 11, 1978.

ALLISON ALLEGES THAT HE HAS WRITTEN EVIDENCE IN HIS POSSESSION THAT
OFFICIALS OF THE AMA-AAU HAS INFORMED VARIOUS RACE OFFICIALS THAT
ALLISON HAS BEEN SUSPENDED BY THE AMA-AAU. IN ADDITION, ALLISON ALLEGES
THAT THE AMA-AAU HAS DENIED HIM ELIGIBILITY BY REFUSING TO SEND HIM A
RENEWAL APPLICATION. FURTHER MORE, ALLISON ASCERTS IN HIS COMPLAINT
THAT THE AMA-AAU HAS NEVER PROVIDED HIM WITH SPECIFIC CHARGES. IT IS
ALLEGED BY ALLISON THAT THESE ACTIONS (OR INACTIONS) WERE TAKEN BY THE
AAU PRIOR TO ANY SUSPENSION OR ELIGIBILITY HEARING WHICH IS IN DIRECT
VIOLATION OF THE USOC CONSTITUTION.

ALL OF THIS INFORMATION HAS PREVIOUSLY BEEN PROVIDED TO THE USOC. AS A
MEMBER OF THE EXECUTIVE BOARD, I FORMALLY REQUEST THAT THE USOC FOLLOW
ITS OWN CONSTITUTIONAL PROCEDURES AND IMMEDIATELY CONVENE A HEARING TO
CONSIDER MR ALLISON'S ALLEGATIONS WHICH WERE SUBMITTED TO THE USOC
NEARLY A MONTH AGO.

COPIES OF THIS MAILGRAM ARE BEING SENT TO ANITA OEFRAITZ, WILLIE
DAVENPORT, TOM ALLISON AND JEFF OARMON

RESPECTFULLY

EDWARD G WILLIAMS

21:24 EST

MGMCOMP MGM

TO BE SENT BY MAILGRAM. SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

MAILGRAM SERVICE CENTER
MIDDLETOWN, VA. 22645



1-063833E165 06/14/78 ICS IPHMTZZ CSP WSHA
2126861456 MGM TDMT NEW YDRK NY 266 06-14 0536P EST

TO PHC
JEFF DARMON
ROAD RUNNERS CLUB OF AMERICA
2737 DEVONSHIRE PL NORTHWEST
WASHINGTON DC 20008

AS YOU KNOW, THIS OFFICE RECEIVED A COMPLAINT BY TOM ALLISON ON MAY 11 1978 ALLEGING THAT OFFICIALS OF THE AMA HAD TAKEN ACTION WHICH PRECLUDED HIM FROM OBTAINING RENEWAL OF HIS 1978 AMA/AAU MEMBERSHIP CARD. ON THE BASIS OF AMA'S ACTION, ALLISON WAS RULED INELIGIBLE TO COMPETE IN THE BOSTON MARATHON. FURTHER, EVIDENCE INDICATES THAT THE AMA HAS ADVISED OTHER AAU RACE OFFICIALS OF ALLISON'S CONTINUED SUSPENSION FROM COMPETITION.

THIS OFFICE HAS RECEIVED VERBAL ASSURANCE BY AN AMA OFFICIAL THAT ALLISON WOULD BE PROVIDED A HEARING. HOWEVER, THE MOST RECENT COMMUNICATION BETWEEN THE AMA AND ALLISON INDICATES THAT ALLISON'S REQUEST FOR A HEARING HAS NOT BEEN GRANTED AND, THAT ALLISON'S AMATEUR ATHLETIC ELIGIBILITY STATUS IS STILL IN QUESTION.

A JUNE 7 1978 LETTER SENT TO YOU BY THIS OFFICE REQUESTED CLARIFICATION BY THE AAU AS TO ALLISON'S CURRENT AMATEUR ATHLETIC ELIGIBILITY STATUS. WE HAVE RECEIVED NO CLARIFICATION IN THIS REGARD AS OF THIS DATE.

ACCORDINGLY, THE USOC RESPECTFULLY REQUESTS THAT THE AAU IMMEDIATELY PROVIDE THIS OFFICE WITH THE NOTIFICATION THAT TOM ALLISON WILL BE PROVIDED DUE PROCESS ACCORDING TO AMA/AAU RULES, NO LATER THAN 3 DAYS AFTER RECEIPT OF THIS COMMUNICATION. IN THE EVENT THAT THE AAU DOES NOT RESPOND WITHIN THE PERIOD OF TIME STATED ABOVE, THE USOC IS OBLIGATED TO REFER THE MATTER TO ITS ADMINISTRATIVE COMMITTEE PURSUANT TO THE USOC CONSTITUTION AND BYLAWS.

WITH ALL GOOD WISHES, I REMAIN,

SINCERELY,

CC: EDWARD G WILLIAMS ESQ
CHARLES W SCHRÖEDER
DUANE G LEIER
THOMAS G ALLISON
ANITA DE FRANTZ
JEFF DARMON
MIGUEL DE CAPRILES

F DON MILLER

MARATHON MAN RUNS INTO BUREACRATIC FOUL-UP

While many Pittsburghers huddled around fireplaces last winter, long-distance runner Tom Allison skinned over the frozen roadways of local cemeteries averaging more than 80 miles per week.

Allison, a senior research assistant at the University Human Energy Laboratory, found solitude — and plowed pathways — in the graveyards of Squirrel Hill and Homewood. He recalls working up a sweat on sub-zero days, his blue hood coated with snow crystals, flopping behind him.

In spite of harsh conditions, Allison started training at Christmas and persisted through the winter. When the cold penetrated his bones, he reminded himself of the objective — the Boston Marathon.

He had sent in his entry for the pre-

physician to run 26 miles than to get the approval of someone sitting in a little office somewhere," he comments.

Allison and the Human Energy Club are apparently caught in a jurisdictional dispute between the Pittsburgh AAU and a rival organization, the Pittsburgh Roadrunners. Both organizations have the authority to sanction long-distance events. Allison and other HE Club members are also members of the Roadrunners. The HE has sponsored local and regional competitions sanctioned by Roadrunners, rather than the AAU.

Robert Felt, Allegheny Mountain Association AAU secretary for track and field, observes that AAU sanctioning is a 19th century and although "it is a flexible organization that has undergone many changes its basic function has always been to protect the amateur athlete from professionals." AAU sets standards by which amateur athletes compete and are rated nationally.

Allison reflects that there has been a history of friction between the Pittsburgh Roadrunners, founded only about five years ago, and the AAU. He notes that antagonisms apparently flared last year in preparation for the Great Race, a highly publicized Pittsburgh marathon. "A former officer of the Roadrunners who was working with the City Department of Parks and Recreation to organize the race told me that there was pressure at the time from AAU to get a sanction and pay a fee for the Great Race."

At the Trees Hall Human Energy Lab, Allison paused to speculate on what might have happened if the HE team had

Although the runner, six foot two Allison, peering sharply through horn-rimmed glasses, says he locks the part, he's a dedicated athlete. And he's persistent. "The club should be committed to getting the runner sanctioned," he says. "It is in the runner's interest to drop out from having to run the AAU should like the runner. He also questions the AAU's system of fees."

"In order to run in the AAU you have to pay fees for the Pittsburgh chapter, don't you?" Allison asks. "There are some other organizations for amateurs, the Allegheny Mountain Club of America, that don't require running fees."

He explains that the runner here put on monthly running events with no awards — strictly fun and fitness. They also sponsor competitive events. Allison says that although some local AAU groups sponsor events, this is not the case in Pittsburgh.

Although he doesn't agree with the actions of the local AAU he called early this year to renew his card because he sees the need to have his card in order to run competitively.

"The secretary indicated on the phone that they would not send out a club registration. The reason given was that the runner was not a member and he got to the secretary said that there were problems with our club registration mentioned participation in the Great

pending him for his actions. According to Allison, the letter indicated that information about the unsanctioned meets had been obtained from the newsletter of another running club. He said the charges against him were never specified.

Later later told the Times "I don't want to give the reasons, but it was spelled out very explicitly. He knew exactly what he had done. This is not something that happened overnight, you know. It had been going on via letter and phone conversations for a year and a half. My feeling was that Mr. Allison knew the notebook extremely well, better in fact than I did in some instances. I didn't include the actual clippings in the letter."

Later added that the Great Race has nothing to do with Allison's plight, since the race had been planned as a community event which does not require AAU sanction.

He denies that there has been any personal vendetta against Allison and his club. He says that since he has never met the runner, he couldn't possibly dislike him.

"If one runner can get away with competing without an AAU card, then others may try," he comments. "They need to be shown that there are rules and that the rules must be followed."

Meanwhile Allison continues to train and competes when permitted. His time in the 26 mile Cleveland event, 2 hours 22 minutes and 15 seconds, was a personal best and the best time he has ever achieved in several months. He was clocked in 19 seconds off the qualifying standard for



community of at Roadrunners.

Photo and runner unsanctioned runner.

tigious April race. But he never made it to Boston.

"We already had our names on the program and had been given our starting positions. I was number 50 and Sam Blair was number 38," Allison explains.

As a result of a phone call from the Pittsburgh office of the Amateur Athletic Union (AAU), the two local runners from the Hill Country Club were informed of the marathon. Pittsburgh informed organizers of the race that the local runners were ineligible to run because they did not have current AAU registrations. According to Allison their renewal applications had been refused, allegedly because they had participated in and helped organize events not sanctioned by the local AAU.

Allison says the local AAU has tried to keep him out of several subsequent marathons, including the Cleveland Revco Marathon May 14, and an event scheduled for May 27 at Wheeling.

Allison has appealed to the United States Olympic Committee for a ruling. He says he is not contesting a specific AAU action, but rather seeking a deeper understanding of the reasons behind the due process. He is maintaining that AAU has restricted his opportunity for improvement, thereby interfering with any shot he might have at the 1980 Olympic trials.

"The real issue is red tape — you're sort of forced to join AAU in order to run competitively. I see it as much more important to get approval from a

best," he says. The club, Allison asserts, had an outside chance of taking the team prize at Boston. One factor was their up-front starting positions.

"In the last three years it's been won twice by teams no better than ours. Anything can happen in a race — a cramp — a twisted ankle. Last year we finished fifth but we beat the highly regarded national team from Ireland, a team with two Olympic runners. They simply had a bad day."

What in fact happened was that HE's top runners sat this one out, and the others were unable to compete as a team because their club had been barred.

"The first individual placing for the club was Steve Moher, who was 33rd overall. Greg Murphy, a Pitt medical student, had the best time of the Pitt people with 2 hours 38 minutes."

ferent matter. According to Allison, He says the AAU office took his name and asked how many applications he wanted. The applications never arrived.

On March 1 he received a form letter from the local AAU warning all clubs that officers and clubs can lose their memberships for competing in non-sanctioned meets.

On Thursday, April 13, the Pittsburgh newspapers published stories that the Human Energy Club was preparing to run at Boston.

"The same day I got a call from Lelzer telling me that I had been suspended from AAU and Blair had also, as the club, had been, and that furthermore officials in Boston had been notified that we were not to run."

Lelzer informed him that a letter had been sent March 7 charging him with organizing unsanctioned meets and ju-

"The meet director made a courageous decision in allowing us to compete. He took an awful lot of heat. The AAU threatened to eliminate police protection for the event, and to take personal action against him."

Allison ran at Cleveland as a Roadrunner, since AAU and the Roadrunners jointly sanctioned the competition.

"Criticism of AAU and other bodies which regulate athletics, including those designed to protect intercollegiate and other amateur sports, appears to be growing in the United States."

"A number of politicians have become aware that the current regulatory systems aren't working," Allison comments. "An athlete's bill of rights (Senate Bill 2036) has been proposed and there is also the possibility there will be a national governing board to regulate all the organizations that now regulate sports

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Marathon Sexsational

It will never be my idea of a good way to spend an afternoon.

Running 26 miles seems to be almost as fun as beating your head against a wall. There's even a study claiming marathon running can be hazardous to your sex life. To top it off, there's no money in this sport.

It's obvious we're never going to catch Joe Namath trying it.

But marathon running is enjoying boom times these days. It has almost become a fad. It doesn't have its own Little League yet, but it has never been more popular. There's even a best-selling book out on running.

It is difficult to imagine, but over 4,000 entries are expected next Monday at the Boston Marathon, a combination World Series, Super Bowl and fraternity party for the sport of road running. That's an increase of over a thousand runners in just a year.

All that doesn't make it any easier to explain what the fascination is. Tom Allison, the founder of Pittsburgh's Human Energy Running Club which is shooting for the team title at Boston, says it is like trying to explain why men climb mountains.

Allison, a research assistant and Ph.D. candidate at Pitt's Human Energy Research lab, recently studied a group of mountain climbers.

"The climbers were an interesting crew," he said. "I wouldn't do it. It's too much a matter of life-and-death when you have a family. But I could empathize them then. I could see the lure. It is still putting it on the line."

Marathon runners put it on the line for 26 miles. Allison admits that once you get hooked, it can become an addiction.

He made that observation when commenting on a Finnish study that purported to show marathon running can affect hormones in an adverse



TIME OUT

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way. That prompted a new magazine called "Runner" to use a headline: "Running as Birth Control!"

"It's such a captivating experience that you can easily devote too much of your energy to it," Allison admits. "It can subject your system to too much stress and interfere not only with your sex life, but your social life and your work performance."

"It can become kind of an addiction. You have to watch it a bit. Many people do overtrain. Your system can break down and cause kidney problems and reduce your resistance to infection."

Even normal training can become a major part of one's life. "My system doesn't feel right if I don't run 10 miles a day," Allison says. That's every day. The runners are as dependable as the postmen. They run rain or shine. Allison never missed a day during the worst of the winter storms.

All the running seems to lead to Boston every year. The runners go there the way the swallows go to Capistrano. There are a lot of marathons being held now, but Boston remains the mecca of the sport.

"It is a return to your alma mater. For years, it was the only thing in road running. You sort of re-establish your roots. You see old friends. You can run in a lot of marathons, but your non-racing friends always want to know if you run in Boston," Allison said.

It was after the 1973 Boston Mar-

athon that Allison founded the Human Energy Running Club, borrowing the name of the lab. The team finished fifth at Boston last year and is stronger this season.

Sam Bair, the track coach at Allegheny Community College and a former world class miler, is the club's main new addition. Allison figures Bair can finish in the top 20 or 30. Allison was the club's top finisher at 51st last year and hopes to improve.

Steve Molnar, a steelworker from Johnstown, Tom Abbott, a senior at Carnegie-Mellon, and John Heiser, a Pitt graduate student, are expected to form the rest of the "A" team for the club's 20-man contingent. Finishing in the top 100 is the main goal of the good runners.

But it is not just a man's sport. The club had the fifth finisher among the women, Lisa Matovich, a year ago, but she is out with a knee injury. Ruth Ann Balkey, whose husband, Ken, will run at Boston, qualified, but she will miss it because she's pregnant. That leaves Allison's wife, Christine, as the club's lone woman entry.

The men won the team title in a recent marathon in Baltimore and are eager to see if they can duplicate that feat in Boston. But the competition itself is still the thing.

"I know it has become a fad and a lot of people are in it because their neighbor is. But it must satisfy some sort of need. You learn a lot about yourself," Allison says.

Whatever it satisfies for them, it is obvious the 26 miles is the runner's mountain.

Yet, in a way, it still might be like beating your head against a wall. It feels so good when you stop.

The RRCA, which has been in the forefront in promoting running for women, people over 40, and children, has unfortunately often found itself at odds with our national governing body.

In the 1960's, some of our members were threatened with lifetime suspension for promoting a 2½-mile cross-country race for women. The reason: It was against the NGB's archaic rules. No one had any valid reasons for not having such events for women or was rushing to change the rules, so we held it under our jurisdiction.

Similar threats were hurled when we let women and men run together in competition, which was banned until the 1970's. Thanks to the persistence of many of our members and chapters, women's distance running is growing at an equal or faster rate than running in general. That this had to be done in conflict with the national governing body points out part of the basic problem: the resistance of those bodies to change because of unrepresentative voting structures.

Our sport represents a case history of why an overhaul is needed in amateur sports governance.

In the past, our so-called minor sport often was ignored. But after much hard work by ours and other organizations, the sport started booming and the AAU quickly became interested. As Track and Field News, the oldest and one of the most prestigious national running magazines recently put it, "Americans have discovered road racing. Unfortunately, so has the Amateur Athletic Union." That editorial lament is symbolic of the general feeling that when the NGB's get involved, watch out.

The disputes in distance running usually center around sanctions and the national governing body's claim that all international as well as domestic running events must be sanctioned by them. Any open domestic competition, they claim, must have their approval.

In addition, in order to get the NGB sanction, it is required that each runner—whether there be 30 or 3,000 in a race—buy an AAU card to assure that all participants are amateurs. Then, this logic continues, no one will be "contaminated" and the amateur status of all will be "protected."

From whom are we being protected? The answer, ironically, is our own AAU.

There seems to be no willingness to recognize that running is a unique sport, one in which thousands often compete in a single race or fun run, where 70-year-olds line up in the same field with a Frank Shorter or a Bill Rodgers, and that these events are often the first competitive athletic experience for many adult men and women.

This should be a source of great pride to our Nation and even to the NGB. But the NGB has, instead, insisted on a system of registration and sanctions ostensibly designed to protect the elite marathoners who might one day go to the Olympics or Pan-Am games—six people in every 4 years.

The overwhelming majority of the participants in our sport, the 40-year-old lawyers and businessmen, the housewives, the school-teachers, and the workingwomen, and yes, even some Congressmen and their aides neither possess the ability nor desire necessary to be Olympians.

Thus, the worry about a youngster who might grow up to be an Olympian who runs with a 50-year-old non-AAU cardholder and thus becomes "contaminated" is a red herring. It is a "red herring" because the current registration system eliminates the masses of runners while not surfacing any professionals. The current system neither proves you are an amateur, nor is necessary under international rules.

AAU sanction and registration in long-distance running has come to represent a financial outlay and tax on runners that brings with it few, if any, services. The quality of an event has nothing to do with the AAU sanction and most events without our NGB's blessings are equal or superior to those with NGB sanction.

Many of the problems I relate are, of course, not new ones. What is new is the growth in running. Such eminent individuals as General MacArthur, Theodore Kheel, Archibald Cox, Hubert Humphrey, and Robert Kennedy tried without success to settle these problems.

The Kheel Commission, in its 1968 arbitration report, said:

The AAU is not entitled—to be or claim to be the sole governing body for domestic competition. No law grants the AAU that authority. Neither the IAAF or any other international body could confer it even if one tried—no organization is entitled legally or morally to a monopoly of track and field athletes or their dues or of the conduct of the administration of their events. For the AAU to attempt to use its international position in order to boost its control over purely domestic competition would, therefore, be an abuse of power.

So, rather than rejoicing at the running boom, the AAU has, instead, advocated a "running tax"—a head tax, or license to run, for all runners, be they world class or the jogger taking his or her first competitive steps in a community fun run, like the Bloomsday event in Spokane, Wash. or the Cherry Blossom 10-mile in Washington, D.C.

It is interesting to note that if current AAU policy were complied with, an event like the Cherry Blossom, now free to over 3,000 participants, would cost all of them at least \$4, plus require a \$400-\$500 sanction fee.

We vehemently oppose this and ask that any Federal sports law be designed to retain the freedom of U.S. citizens to run without payment of arbitrary surcharges to private groups.

Many race directors around the country refuse to impose this tax on fitness and, instead, are severing relations with the NGB. The AAU surcharge is neither necessary to prove international amateur standing, nor an efficient way to raise money for financing an NGB.

But more importantly, U.S. citizens should not be forced to pay extra fees over and above what a race director thinks is a necessary entry fee for his or her race.

The actual work of putting on long-distance races is mostly handled by amateur runners who administer on a volunteer basis the local organizations that conduct the events. Shouldn't these race directors have the freedom to continue promoting their sport and fun runs in the manner that has produced perhaps the greatest mass movement towards fitness in the history of this country, while at the same time affording elite runners competitive opportunities never before available or dreamed of?

Money is not the key issue here, but rather the issue is the creation of a national governing body and a USOC that recognizes and protects the rights of runners to run without explicit permission of a national bureaucracy every time they step to the line. The issue is whether athletes and their organization should have a say in determining policies that affect them.

The issue is whether runners like Tom Allison of Pittsburgh, Pa., who trained all winter for a chance to run in the Boston Marathon, should be cruelly deprived of that opportunity 3 days before the race without justification and without a hearing.

The issue is whether having been deprived of the right to compete, does a runner like Tom Allison deserve to be harassed, stalled, and declared ineligible by the AAU for 3½ months while still unable to get a hearing.

And the issue is how do we design a system that can give the Tom Allisons some guarantee that it won't happen again next week, or next month, when nobody is looking. We can't give Tom Allison back his chance to run the Boston Marathon this year after spending months training for that event, but perhaps the Congress can adopt legislation that will mandate restructuring of the national governing bodies in a manner that creates NGB's responsive to athletes.

The Congress can help create amateur sports organizations that won't look at the Tom Allisons as chattel without any rights but will see them as individual athletes who are innocent until proven guilty and who deserve due process like other U.S. citizens.

With stringent rules for recognition as an NGB in the future, the Congress can lay the foundation for a system that will build progressive NGB's and which will eradicate those that infringe on the rights of athletes like Tom Allison.

Finally, the RRCA, which is an organization of athletes, has been encouraged by the compromise on athletes' rights worked out between the USOC Athletes' Advisory Committee and the school/college community. But I would be untruthful if I didn't tell you that we would be more comfortable with a strong statement in the bill concerning the rights of athletes to compete in domestic, international restricted and unrestricted competition, unfettered by unreasonable and often arbitrary regulations.

However, we recognize the disparate interests that must be served for a compromise to be arrived at and, in this instance, believe half a loaf is, in fact, better than no loaf at all.

If I might just digress here for a moment. It was kind of difficult for me to sit here and hear another agency, or the AAU, talk about a bill of rights when we have found, historically, that some of the greatest abuses of athletes' rights have come from that organization. I think that's something, if that becomes a crucial point, that it would behoove everyone on the committee to investigate that situation, quite clearly, to see whether that is really the motive which is of interest.

That said, it should be the view of the Congress that this legislation before you is but one part of the solution and that additional parts will likely be necessary. If this legislation does become law, strong oversight by the Congress is crucial

It must be remembered that many of the recent progressive steps taken in the amateur sports community, including those of the USOC, were not brought about purely through the forces of good triumphing over those of evil. They were, in large part, a reaction to and fear of the President's Commission on Olympic Sports and the report's recommended Federal legislation.

Thus, the passage of this legislation should be coupled with a commitment to address later those domestic problems which this legislation does not now directly deal with, if they, in fact, are not quickly alleviated by H.R. 12626.

Some of the ills that plague amateur sports—arbitrary eligibility requirements, lack of due process for athletes, abusive use of sanctioning authority—are but symptoms. The underlying causes of these problems are found in the organizations that govern the sports and the rules that allow these groups to remain in power while representing a minority viewpoint.

H.R. 12626 is aimed at opening up those organizations and making them representative. It is aimed at ending the paradoxical situation that pits many athletes against the very NGB's and even the USOC—groups that were theoretically created to serve them. This legislation does not and cannot guarantee that all disputes will disappear. But it is a long-overdue start.

I'd like to thank you for the opportunity to appear before the committee.

Mr. DANIELSON. Mr. Darman, what's your occupation, besides running?

Mr. DARMAN. I'm a free-lance writer and public relations consultant, communications consultant.

Mr. DANIELSON. What's the constitutional justification for Congress entering into this field? Do you know?

Mr. DARMAN. Entering into the field of sports?

Mr. DANIELSON. Yes.

Mr. DARMAN. I think your justification would be the fact that the USOC, initially, is federally chartered, and that probably is how it originally started. I'm not sure. I think that your history of Congress—

Mr. DANIELSON. I'm trying to think over article 1 of the Constitution and see if I can find a nail to hang our hat on here, and I am just having a little trouble, is all.

The charter, itself, is only symbolic. When we grant charters, we don't grant very much. They don't mean anything. You still have to incorporate somewhere in order to function.

You favor the bill, do you, generally?

Mr. DARMAN. Generally, yes, we do.

Mr. DANIELSON. You do not favor the bill of rights feature which has been discussed here? The one other than the one in the bill?

Mr. DARMAN. No, we do not accept the replacement of the one that's already in the bill.

Mr. DANIELSON. You do favor the restructuring, though, of organized amateur athletics?

Mr. DARMAN. Yes, we do, very much so.

Mr. DANIELSON. I would gather—I think this is self-explanatory, due to the nature of the activity in which you're interested, road

running, long-distance running—you seek the broadest possible citizen participation?

Mr. DARMAN. Yes, we do.

Mr. DANIELSON. Anything from a person who can jog from here to the telephone booth, up to the Marathon, itself, I gather?

Mr. DARMAN. Well, we'd like them jogging farther than that, but we'll teach them to do it.

Mr. DANIELSON. What's your attitude toward the feature of this bill which calls for an appropriation of \$30 million by the Federal Government to help finance these organizations?

Mr. DARMAN. Our feeling: The concepts in the bill that are most important to us are the structural concepts, to go back to the question you asked the other people. However, the funding, I think, is important. Certainly, some funding is important as a mechanism in the transition.

There's going to be a difficult transition, and when you're undergoing transition, it is helpful, particularly if you're spinning off governing bodies, to give them time to raise funds on their own.

Mr. DANIELSON. The infusion of Federal tax money into almost anything is sort of like taking heroin: You start, and you're hooked, and can never get away.

With that in mind, what do you think of the funding?

Mr. DARMAN. I think, having been around Washington for 10 years, you're certainly right, that I would be very surprised if people came up here under oath and could tell you that they would never ever again come back for more money.

Mr. DANIELSON. I wouldn't be surprised. They tell us that all the time.

Mr. DARMAN. As I say, the priorities of the legislation to us are structural in nature.

Mr. DANIELSON. And I think they are beneficial.

Mr. DARMAN. I know they are very beneficial.

Mr. DANIELSON. You've covered the whole thing. That's really the essence of what you said. You did come up with the illustration of this person, this Mr. Allison. What happened? Did he sign up for the Boston Marathon and find out he didn't have the right identification card?

Mr. DARMAN. They wouldn't let him get the right ID card, and he was officially entered and ready to go, and a newspaper article appeared saying that he was going to be running 2 days later, and the local AAU, which had sent him a letter, which he never received, saying "You're ineligible," jumped up and down and did everything they could and succeeded in keeping him out.

Mr. DANIELSON. You mean those people up in Boston wouldn't let him run?

Mr. DARMAN. Those people up in Boston wouldn't let him run. They tried to then deprive him of running in a couple of other races, and I'm proud to say that the people there refused to keep him out because they realized he had never been given due process.

Mr. DANIELSON. What was the objection? He wasn't a convicted felon.

Mr. DARMAN. We're not sure of that. He's never been informed of his specific charges.

Mr. DANIELSON. I have a specific point. Had he been a professional athlete?

Mr. DARMAN. No, no. That had nothing to do with this case.

Mr. DANIELSON. I'm going to look into that. It's very interesting.

I'm glad you recognized that we have at least three people in the Congress that have run the Marathon, two of them the Boston and one of them just—I don't know where it was, but he ran the 26 miles.

Thank you very much. I appreciate your testimony, and your statement will be received in its entirety.

That will conclude the testimony for this morning. We're getting out of here exactly 30 seconds late. Thank you very much.

We will meet again tomorrow morning, at 10 o'clock.

[Whereupon, at 1:30 p.m., the hearing was adjourned, to be reconvened at 10 a.m., on Thursday, June 22, 1978.]

Transcript
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Mailgram



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THE HONORABLE GEORGE E DANIELSON CHAIRMAN
 SUBCOMMITTEE ON ADMINISTRATIVE LAW AND
 GOVERNMENTAL RELATION
 HOUSE OF REPRESENTATIVES
 WASHINGTON DC 20515

DEAR CHAIRMAN DANIELSON,

SUBJECT: POSITION OF A A U ON H.R. 12626

THIS IS TO CONFIRM THAT THE OFFICIAL POSITION OF THE AMATEUR ATHLETIC UNION OF THE UNITED STATES INCORPORATED (AAU) WITH RESPECT TO HOUSE BILL H.R. 12626 IS THAT WE DO NOT OPPOSE THE SUBJECT BILL SO LONG AS THE CLARIFICATION OF THE DEFINITION OF INTERNATIONAL COMPETITION IS PROPERLY CONTAINED IN THE LEGISLATIVE HISTORY, AS STATED AND AGREED TO IN CORRESPONDENCE BETWEEN MICHAEL SCOTT AND ROBERT HELMICK. YOU SHOULD RECOGNIZE, HOWEVER, THAT IN OUR ORGANIZATION CERTAIN OF OUR COMMITTEES (SPORTS NATIONAL GOVERNING BODY) AND EACH OF OUR ASSOCIATION MEMBERS HAVE THE FREEDOM AND AUTONOMY TO EXPRESS THEIR OWN VIEWS AND MAY DO SO TO YOUR COMMITTEE IN DIFFERING AND VARYING DEGREES. THESE INDIVIDUAL VIEWS DO NOT REPRESENT THE POSITION OF THE NATIONAL BODY WHICH IS TO NOT OPPOSE THE BILL IF THE DEFINITION OF INTERNATIONAL COMPETITION IS PROPERLY DEFINED AND CONTAINED AS NOTED EARLIER.

FROM:

JOEL FERRELL PRESIDENT AAU
 ROBERT HELMICK FIRST VICE PRESIDENT
 JOSIAM HENSON SECOND VICE PRESIDENT
 RICHARD HARKINS SECRETARY
 RAY HEARLEY TREASURER

10:29 EST

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July 18, 1978

James H. Lauer, Jr., Esquire
Assistant Counsel
House Judiciary Committee
207 Cannon House Office Building
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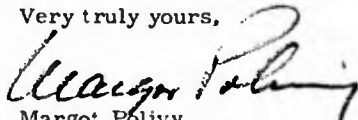
Re: H. R. 12626

Dear Jim:

To follow up our telephone conversation of July 14, 1978, this letter is to advise you that the Association for Intercollegiate Athletics for Women is in agreement with the clarifying language offered in Michael Scott's letter of July 13, 1978, submitted on behalf of the NCAA. It is our understanding that Mr. Scott's language is acceptable to Robert Helmick of the AAU and that there is no further impediment to Committee action on H. R. 12626.

I would appreciate it if you would keep us advised of progress on the bill and let us know if we can be of further assistance.

Very truly yours,



Margot Polivy
Counsel for Association for
Intercollegiate Athletics for Women

cc: Alan Coffey
Michael Scott
Robert Helmick
F. Don Miller
Mary McAuliffe

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July 13, 1978

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The Honorable George E. Danielson
Chairman, Subcommittee on Administrative
Law & Governmental Relations
Committee on the Judiciary
2447 Rayburn House Office Building
Washington, D. C. 20515

Re: H.R. 12626

Dear Chairman Danielson:

This firm acts as counsel in Washington for the National
Collegiate Athletic Association (NCAA).

This will refer to Margot Polivy's (AIAM) letter of June 28 to you, and Robert Helmick's (ANU) letter of July 3 to Ms. Polivy (copy of which was sent to Mr. Lauer of your Subcommittee staff), concerning a proposal that the Report of the Judiciary Committee on H.R. 12626 contain language clarifying certain understandings involved in the definition of "international amateur athletic competition." Both Ms. Polivy and Mr. Helmick suggest that the matter be dealt with in "legislative history" rather than by amendments to H.R. 12626; I am authorized to say that the NCAA concurs in this suggested method of approach.

Except for minor semantic differences which I will set forth below, the NCAA does not object to the language contained in Mr. Helmick's letter (to which I understand Ms. Polivy also has no objection) — as long as one further point is clarified. The implication of Mr. Helmick's proposed statement is that the term "international amateur athletic competition" can, in certain contexts not specified, mean something more than international competition involving a United States national team. That statement then goes on to make clear that with reference to the issue of sanctioning, it does mean something more, and as I believe you know from the NCAA's testimony to the Subcommittee, the NCAA does not object to this broadened concept as to sanctioning.

COX, LANGFORD & BROWN

The Honorable George E. Danielson
 July 13, 1978
 Page Two

The NCAA most strongly objects, however, to any implication of a broadened notion of "international amateur athletic competition" vis a vis the right to select the members of a team of American athletes for competition against a foreign team. In the NCAA's view (and I do not believe Mr. Helmick disagrees), the right to select the members of the American team should belong to the amateur sports organization sponsoring that team: In the case of a "national team" purporting to represent the United States, this right of selection should be in the hands of the national governing body, but in the case of a team of American athletes purporting to represent some unit less than the country as a whole, e.g., the NCAA, the University of Kentucky, or the New York Y.N.C.A., the right of selection should be in the hands of that sponsoring organization. I should make clear: The sponsoring organization must still obtain a sanction for the event in question, and the national governing body must still certify the eligibility or amateur status of the American athletes selected, but the right to select the participants rests, when the team is not a national team, with the entity or unit it represents.

Unfortunately, H.R. 12626 states on page 28, lines 18 and 19, that the national governing bodies are authorized to "designate individuals and teams to represent the United States in international amateur athletic competition". While this is appropriate for "national teams" by definition sponsored by the national governing bodies, it is not appropriate in the NCAA's judgment for teams representing some other unit or organization.

The NCAA draws some solace that the quoted language repeats, internally, the concept that this NGB selection right is confined to individuals and teams representing the United States. The NCAA also believes, however, that a clarification of intent is most important in order to avoid future argument as to the meaning of the Bill. The NCAA thus urges that this point be expressly covered as an addition to the proposal of Mr. Helmick, and that the statement -- to be inserted in the Report as a discussion of Section 203 of the Bill -- read in its entirety as follows:

It is not the intent of the Bill to limit the term "international amateur athletic competition" to athletes or teams known as "national" teams of the United States: It is the intent of this Bill that any United States amateur sports organization which wishes to conduct or sponsor amateur athletic competition between United States amateur athletes or teams of United States amateur athletes representing such organization, and athletes or teams of amateur athletes representing a foreign country or institution,

COX, LANGFORD & BROWN

The Honorable George E. Danielson

July 13, 1978

Page Three

must obtain a sanction from the appropriate national governing body. Correlatively, a national governing body must make a sanction for such an international amateur athletic competition available upon satisfaction by the applicant organization of the objective and nondiscriminatory sanction criteria set forth in the Bill. This general requirement is not intended to change the prevailing practices, which vary from sport to sport, with respect to sanctioning of regular "border" scholastic or collegiate competition between American and Canadian and Mexican educational institutions; nor is subsection 203(7) of the USOC Charter, as amended by the Bill, to be interpreted to authorize a national governing body to designate or select (as distinct merely from certifying on request the eligibility or amateur status of) the United States amateur athletes or team of United States amateur athletes to participate in an international competition, other than one involving a United States national team.

The emphasized language above has been added to clarify the terms of the Bill with respect to team selection. As you will note from a comparison of the above language with that of Mr. Helmick, I have made a number of other minor additions or corrections, but in each such instance I have not intended a substantive change.

I have today by telephone reviewed the above language with Ms. Polivy and Mr. Helmick, and they have authorized me to say that they do not object thereto.

Please accept my thanks on behalf of the NCAA for permitting us this further opportunity to comment on H.R. 12626.

Very truly yours,



Michael Scott

cc: Mr. William P. Shattuck
 Mr. James H. Lauer, Jr.
 Mr. Alan F. Coffey
 Mr. Walter Byers
 Mr. John E. Roberts
 Col. F. Don Miller
 Mr. Joel Ferrell
 Mr. Robert Helmick
 Ms. Margot Polivy
 Mr. Edward G. Williams
 Mr. Jack McCahill
 Ms. Mary McHuliffe

ATTACHMENT ONEFOUR-YEAR FINANCIAL IMPROVEMENT PLANI. YEAR ONE(A) Management Improvement of the U. S. Amateur Sports System -

1. Survey of the specific needs of each sport together with organizational changes;
2. Administration: (a) the development of automated systems to accomplish the goals of improved management and synergism among the various sports groups; (b) gradual development of administrative National Sports Governing Body support.
3. Development: Selected developmental programs to improve the number and quality of athletes, coaches and officials at all skill levels.

(B) Training Center and Sports Medicine Activities -

1. Sports Medicine: to include purchases of necessary equipment; development of a retrieval and dissemination sports medicine information system; sport-by-sport testing; finite research studies;
2. General Equipment Requirements: These are one-time, one-shot expenditures for equipment needs at the existing centers;
3. Fixed operating activities associated with the centers and sports medicine program designed to make the centers and sports medicine program self-sustaining;
4. Feasibility studies to establish new training centers.

II. YEAR TWO(A) Management Improvement Follow-Up -

1. Make adjustments in planning initiated in first year;
2. Administration: complete software development and increase administrative support;
3. Development: increase developmental support

(B) Training Center and Sports Medicine Activities -

1. Continue operating activities designed to make centers and sports medicine program more efficient and effective.

III. YEAR THREE(A) Management Follow-up and Evaluation -

1. Make any adjustments in management procedure and evaluate progress thus far;
2. Administration: maintain administrative support but adjust use of funds as determined by evaluation;
3. Development: maintain developmental support but adjust mix of programs as a result of evaluation

(B) Training Center and Sports Medicine Activities -

1. Evaluate and activate plan for self-sustaining growth;
2. Continue operating activities.

IV. YEAR FOUR

Management Evaluation for sustained progress and growth, and continue administration and developmental programs and support of U.S.A.'s. Throughout the four year cycle, up to 20% of the funds appropriated may be allocated to organizations not members of the USOC. This work will amplify and augment the management and evaluation process and will contribute to the development of programs for the handicapped, sports medicine research, training centers and other areas of need.

BUDGET SUMMARY
MANAGEMENT IMPROVEMENT PROGRAM

ACTIVITIES	YEAR 1	YEAR 2	YEAR 3	YEAR 4
<u>Management Improvement</u>				
Initial Survey	300,000			
Follow-up		150,000		
Follow-up and evaluation			150,000	
Evaluation				150,000
<u>Administration</u>				
<u>Computer Systems</u>				
Hardware	1,000,000			
Software	300,000	200,000		
Paid staff	1,200,000	1,800,000	1,800,000	1,800,000
USOC support services	600,000	200,000	200,000	200,000
<u>Development</u>				
Athletes	367,000	717,000	783,000	783,000
Coaches	367,000	717,000	783,000	783,000
Officials	367,000	717,000	783,000	783,000
TOTAL	4,500,000	4,500,000	4,500,000	4,500,000

BUDGET SUMMARY
OLYMPIC TRAINING CENTERS
& SPORTS MEDICINE PROGRAMS

ACTIVITIES	YEAR 1	YEAR 2	YEAR 3
<u>Sports Medicine</u>			
Equipment			
General Medical	120,000		
Exercise Physiology	650,000		
Biomechanics	504,000	--	--
Sports Psychology	100,000		
Strength Education	360,000		
Information Retrieval System			
Equipment	250,000		
Sport Testing	825,000		
Research Studies	150,000		
<u>General Equipment Requirements</u>			
Office and Dormitory	100,000		
Security	46,000		
Operational (athletic)	337,000		
Social and Recreation	13,000	--	--
Food Services	52,000		
Buildings and Grounds	800,000		
Feasibility Studies	--	250,000	250,000
<u>Fixed Operating Expenses</u>			
Teaching Centers			
Administrative	194,000	338,000	338,000
Operations	150,000	250,000	250,000
Services	340,000	561,000	561,000
Buildings and Grounds	250,000	1,000,000	1,000,000
Personnel	624,000		
Sports Medicine			
Personnel	185,000	310,000	310,000
Consumables	50,000	41,000	41,000
TOTAL	6,000,000	5,000,000	3,000,000



Constitution, By-Laws AND General Rules

Constitution as Amended at the Quadrennial Meeting, Colorado Springs, Colo., April 29-30, May 1, 1977, and House of Delegates Meeting, Lake Buena Vista, Fla., April 15, 1978. By-Laws as Amended at the Executive Board Meetings at Squaw Valley, Cal., July 30-31, 1977 and Chicago, Ill., February 18-19, 1978. General Rules as Amended at the Executive Board Meeting, Chicago, Ill., February 18-19, 1978.

UNITED STATES OLYMPIC COMMITTEE

57 Park Avenue
New York, N.Y. 10016

1750 East Boulder Street
Colorado Springs, Colo. 80909

(The text of the Act of Congress incorporating the United States Olympic Committee on Pages 29-30)

THE OFFICERS 1977-1980

President

ROBERT J. KANE

First Vice President

JOHN B. KELLY, JR.

Second Vice President

E. NEWBOLD BLACK, IV

Third Vice President

JOEL FERRELL, JR.

Secretary

TENLEY ALBRIGHT, M.D.

Treasurer

WILLIAM E. SIMON

TABLE OF CONTENTS

KEY: *Art.* indicates the Article number in the Constitution
Chap. indicates the Chapter number in the By-Laws
G.R. indicates the rule number in the General Rules
Sec. indicates the Section number within the Article of the Constitution or within the Chapter of the By-Laws

	Page		Page
U.S.O.C. PURPOSES, POWERS & JURISDICTION	Art. III	ADMINISTRATIVE COMMITTEE	Art. X
— Jurisdiction to Enter Athletes	Sec. 5 2	— Responsibilities	Sec. 1 9
— Athletes' Bill of Rights	Sec. 6.8 2	— Composition	Sec. 2 9
		— Non-Voting Members	Sec. 3 9
MEMBERSHIP	Art. III	BY-LAWS & GENERAL RULES	Art. XI 9
— Group A	Sec. 2 3	— Enactment, Amendment & Repeal	
— Group B	Sec. 2 4		
— Group C	Sec. 2 4	MEETING OF HOUSE DELEGATES	Art. XII
— Group D	Sec. 2 4	— Quadrennial meeting	Sec. 1a 9
DUES	Art. IV 4	— Selection of Meeting Sites	Sec. 1b 9
		— Special Meetings	Sec. 2 10
ADMISSION & RECLASSIFICATION OF MEMBERS	Art. V	ACTION AT MEETINGS	Art. XIII 10
— Group A Responsibilities	Sec. 4 5	TRANSACTIONING BUSINESS BY MAIL OR TELEGRAPH	Art. XIV 10
— Handling Complaints Within U.S.O.C.	Sec. 5 5	COUNSELOR	Art. XV 10
— Internal Hearing Procedure	Chap. XI 18	— Duties of Counselor	Chap. IV 14
— Challenge of Group A Membership		EXECUTIVE DIRECTOR	Art. XVI 10
— by a National Sports Organization	Sec. 6 6	— Duties of Executive Director	Chap. VI 14
— Arbitration of Challenge	Sec. 7 7	ATHLETES' ADVISORY COUNCIL	Art. XVII 10
HOUSE OF DELEGATES	Art. VI	— Election of Members	Chap. XIII 19
— Membership	Sec. 2 7	BUDGET AND AUDIT COMMITTEE	Art. XVIII 10
— Voting at Meetings	Sec. 3 7	FINANCE COMMITTEE	Art. XIX 11
— Withdrawal of Delegates	Sec. 4 7	INVESTMENT COMMITTEE	Art. XX 11
— Individuals Attending Meetings	Sec. 5 7	— Duties of Committee	Chap. VII 15
COMMITTEE ON CREDENTIALS	Art. VII 8	COMMITTEE ON DEVELOPMENT	Art. XXI 11
OFFICERS	Art. VIII	— Duties and Procedures	Chap. VIII 15
— List of Officers	Sec. 2 8	GAMES PREPARATION COMMITTEE	Art. XXII 11
— Nominating Committee	Sec. 3 8	— Duties of Committee	Chap. IX 16
— Terms of Officers	Sec. 4 8	NATIONAL SPORTS GOVERNING BODIES	Art. XXIII 11
— Filling Vacancies	Sec. 5 8	— Authority and Responsibility	Chap. XII 18
— Duties of Officers	Chap. I 13	— General Powers and Duties	G.R. 1 19
— Auditing of U.S.O.C. Records	Chap. I 13	— Tryouts and Team Selection	G.R. 2 20
	Sec. 8 13	— Selection of Team Officials	G.R. 3 21
— Other Duties of Administrative Committee	Chap. I 14	— Financial Regulations	G.R. 4 21
	Sec. 9 14	FINANCIAL AUTHORITY AND RESPONSIBILITY	Art. XXVII 12
EXECUTIVE BOARD	Art. IX	— Executive Board	Sec. 1,2 12
— Duties of Executive Board	Sec. 1 8	— Liability of Officers, Directors, etc.	Sec. 4 12
— Authority of Executive Board	Chap. II 14		
— Composition of Executive Board	Sec. 2 8		
— Filling Vacancies	Sec. 4 9		
— Presiding Officers at Meetings	Sec. 5 9		

TABLE OF CONTENTS - (Continued)

		Page			Page
SPORTS MEDICINE COMMITTEE	Art. XXIV	12	MEETINGS	Chap. III	
INTERNATIONAL OLYMPIC ACADEMY COMMITTEE	Art. XXV	12	— Executive Board, Administrative Committee, House of Delegates	Sec. 1, 2	14
STANDING COMMITTEES	Art. XXVI	12	— Order of Business	Sec. 3	14
— Legislation Committee	Chap. X	Sec. 5	— Questions of Order	Sec. 4	14
— Membership Committee	Chap. X	Sec. 6	CHIEF OF MISSION & ATTACHE	Chap. V	14
— Eligibility Committee	Chap. X	Sec. 7	CONFLICT OF INTEREST	Chap. XIV	19
— Finance Committee	Chap. X	Sec. 8	RULES FOR TEAM PERSONNEL		
— Team Services Committee:			— Official Delegation	G.R. 5	21
Apparel, Supplies & Equipment	Sec. 9	17	— Selected Competitors	G.R. 6	22
Food & Housing	Sec. 10	17	— Conduct of Team Personnel	G.R. 7	22
Transportation	Sec. 11	17	— Managers and Coaches	G.R. 8	23
Ticket Services	Sec. 12	17	— Medical Care	G.R. 9	23
Medical & Training Services	Sec. 13	18	— Administrative Regulations	G.R. 10	23
AMENDMENTS TO CONSTITUTION	Art. XXVIII		PUBLICITY AND REPORTS	G.R. 11	24
— Action by House of Delegates	Sec. 1	12	ORGANIZATION FOR OLYMPIC AND PAN AMERICAN GAMES	G.R. 12	24
— Submitting Proposed Amendments	Sec. 2	12	APPENDIX		
— Publications of Proposed Amendments	Sec. 3	13	— Group A Members, List of		25, 26
— Amendments by Mail or Telegraph	Sec. 4	14	— Group B Members, List of		27
AMENDMENTS TO BY-LAWS	Chap. XV	19	— Group C Members, List of		27
AMENDMENTS TO GENERAL RULES	G.R. 13	24	— Group D, States' Representation		27
SAVING CLAUSE	Art. XXIX	13	PUBLIC LAW 805, (36 U.S.C. 379), 1950		29, 30

THE CONSTITUTION, BY-LAWS, AND GENERAL RULES OF THE UNITED STATES OLYMPIC COMMITTEE

CONSTITUTION

ARTICLE I—Name

The name of this Organization, Incorporated by Act of Congress of September 21, 1950, shall be

UNITED STATES OLYMPIC COMMITTEE,

hereinafter referred to as the U.S.O.C. (Note—A bill, H.R. 4732, was passed by Act of Congress, August 10, 1964, changing the name from United States Olympic Association to the present title listed above.)

ARTICLE II—Purposes, Powers and Jurisdiction

Section 1. The objects and purposes of the corporation shall be:

(1) to arouse and maintain the interest of the people of the United States in, and to obtain their support of, creditable and sportsmanlike participation and representation of the United States in all of the sports on the program of the Olympic Games and Pan American Games;

(2) to stimulate the interest of the people, particularly the youth, of the United States, in healthful, physical, moral and cultural education through sportsmanlike participation in competitions in accordance with amateur rules;

(3) to exercise exclusive jurisdiction, either directly or through its constituent members or committees, over all matters pertaining to the participation of the United States in the Olympic Games and in the Pan American Games, including the representation of the United States in such Games, and over the organization of the Olympic Games and the Pan American Games when celebrated in the United States; and in furtherance thereof to comply with and enforce all the rules and regulations of the International Olympic Committee;

(4) to select and obtain for the United States the most competent amateur representation possible in the competitions and events of the Olympic Games and of the Pan American Games;

(5) to maintain the highest ideals of amateurism and to promote general interest therein, particularly in connection with the Olympic Games and the Pan American Games;

(6) to instill and develop in the youth of America the qualities of courage, self-reliance, honesty, tolerance, and like virtues;

(7) to promote and encourage the physical, moral, and cultural education of the youth of the United States to the end that their health, patriotism, character, and good citizenship may be fully developed; and

(8) to protect, by all lawful means at its disposal, the right of every individual who is eligible under reasonable national and applicable international amateur athletic rules and regulations, to participate if selected (or to attempt to qualify for selection to participate) as an athlete representing the United States in any international amateur athletic competition if such competition (conducted in compliance with reasonable national and applicable international requirements) involved any sport included in the Olympic Games or Pan American Games program during the Olympiad period concurrent with such participation or the attempt to qualify for participation.

Section 2. The corporation shall have perpetual succession and power:

(1) to organize, select, finance and control the representation of the United States in the competitions and events of the Olympic Games and of the Pan American Games and to appoint committees or other governing bodies in connection with such representation;

(2) to sue and be sued;

(3) to make contracts;

(4) to acquire, hold and dispose of such real and personal property as may be necessary for its corporate purposes;

(5) to accept gifts, legacies, and devises in furtherance of its corporate purposes;

(6) to borrow money to carry out its corporate purposes, issue notes, bonds or other evidences of indebtedness therefor, and secure the same by mortgage, subject in each case to the laws of the United States or of any state;

(7) to establish, regulate, and discontinue subordinate organizations, and to receive and expel as members of the corporation such existing organizations of a patriotic, educational, civic, or athletic character as may be deemed desirable and proper to carry out the corporate purposes;

(8) to adopt and alter a corporate seal;

(9) to adopt and alter a constitution and by-laws not inconsistent with the laws of the United States or of any State;

(10) to establish and maintain offices for the conduct of the affairs of the corporation;

(11) to publish a newspaper, magazine or other publication consistent with its corporate purposes; and

(12) to do any and all acts and things necessary and proper to carry out the purposes of the corporation.

Section 3. The corporation, pursuant to authority granted by Public Law 805, 81st Congress, Chapter 975, 2nd Session, shall have exclusive jurisdiction over the use of the emblem of the United States Olympic Committee, consisting of an escutcheon having a blue chief and vertically extending alternate red and white bars at the base, with five interlocking rings displayed on the chief, or any other sign or insignia in imitation thereof; and of the words "Olympic," "Olympiad," or "Citius, Altius, Fortius" or any variation or combination of these words.

Section 4. Subject to the approval of the Executive Board, members and administrative officials of former U.S. Olympic Teams may organize separately or jointly in units, chapters or groups for the purpose of promoting the Olympic objectives as defined in the Constitution and By-Laws of the U.S.O.C. and may use the word "Olympic" in names adopted for and by units, chapters, or groups. The activities of these units, chapters, and groups shall be carried on and be subject to the consent and approval of the U.S.O.C.

Section 5. The corporation, pursuant to the authority granted by the International Olympic Committee, shall have exclusive jurisdiction to enter competitors who will represent the United States in the Olympic Games and the Pan American Games (I.O.C. Rule 24), and to enforce in connection therewith the definition of an eligible athlete adopted by the International Olympic Committee (I.O.C. Rule 26 and the By-Laws thereof), pursuant to the internal procedures established in the By-Laws.

Section 6. No member of the USOC may deny or threaten to deny any amateur athlete the opportunity to compete in the Olympic Games, the Pan American Games, world championship competition, or other such protected competition as set forth in Section 7; nor may it censure, subsequent to such competition, or otherwise penalize, any such athlete who participates in such competition.

Section 7. As used in Section 6 of this Article, "protected competition" means any international amateur athletic competition in a sport included within the calendars of the Pan American or Olympic Games: (a) the terms of which competition require that the entrants therein be teams or individuals representing their respective nations; (b) the United States team or group of individuals for which is officially designated as representing the United States by the appropriate Group A member; (c) the United States team or group of individuals for which is selected, organized and sponsored by the appropriate Group A member; and (d) the United States team or group selection process for which is made on a national qualification basis, through a defined selection or tryout process, publicly announced in advance. Except for domestic amateur athletic competition expressly restricted to members of a specific class of amateur athletes (such as high school athletes, college athletes or members of the Armed Forces), the term "protected competition" shall also include any domestic amateur athletic event or tryout organized and conducted by the appropriate Group A member and announced in advance to prospective entrants and publicly by such Group A member, as directly qualifying successful competitors therein as a member of the United States team or group of individuals for participation in protected competition referred to in the immediately preceding sentence of this Section.

Section 8. Any amateur athlete who alleges that he or she has been denied by a U.S.O.C. member a right established by Section 6 shall immediately inform the Executive Director of the U.S.O.C., who shall promptly cause an investigation to be made and steps to be taken to settle the controversy without delay. Without prejudice to any action that may be taken by the U.S.O.C., if the controversy is not settled to his satisfaction, the athlete may submit to any regional office of the American Arbitration Association for binding arbitration, a claim against such U.S.O.C. member documenting the alleged denial not later than six months after the date of the denial; except that the Association (upon request by the athlete in question) is authorized, upon forty-eight (48) hours' notice to the parties concerned, and to the U.S.O.C., to hear and decide the matter under such procedures as the Association deems appropriate, if the Association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the Association to do justice to the affected parties. By maintaining membership in the U.S.O.C., each U.S.O.C. member agrees that any such aforesaid controversy may be submitted to binding arbitration as provided in this Section and agrees to be bound by the arbitrators' award as a result thereof.

Section 9. Any amateur athlete, who alleges that he or she has been denied, whether or not by a U.S.O.C. member, an opportunity to compete in any international amateur athletic competition not protected by the terms of Section 6, shall immediately inform the Executive Director, who will consult with the Counselor (or Assistant Counsel) to determine whether the situation appears to be of sufficient seriousness and relevance to the obligations or responsibilities of the U.S.O.C. under its Congressional Charter to warrant action by the cooperation in support of the athlete's claim. In the event that action by the U.S.O.C. appears to be warranted, the matter will be referred to the Administrative Committee, which will decide the nature and extent of the action to be taken in the case.

Section 10. The rights granted to athletes under Sections 6 through 9 of this Article shall equally apply to any coach, trainer, administrator, manager or other official seeking to participate in the conduct of international amateur athletic competition.

ARTICLE III—Membership

Section 1. The membership of the U.S.O.C. shall be confined to organizations of the United States as hereinafter provided in this article. Individuals may nevertheless be associated with, and recognized by the U.S.O.C. by virtue of their current or past activities in the affairs of the U.S.O.C. or in the Olympic or Pan American Games, as provided elsewhere in this Constitution.

Section 2. (a) Organizations eligible for membership shall be those which take some active part in the administration of one or more sports or competitions upon the Olympic or Pan American Games programs and such other organizations, patriotic, educational or cultural, that are engaged in efforts to promote the participation in or preparation for any amateur sports or games competition.

(b) Organizations which as a part of their duties administer participation in or preparation for professional sports shall not be ineligible for membership if they also administer a bona fide program of amateur sport.

(c) Organizations which are purely commercial or political in character are not eligible for membership.

Section 3. Organizations which meet the requirements for membership in a group as hereinafter set forth, for Groups A to D inclusive, may be elected to membership pursuant to the provisions of Article V and upon election shall be entitled to delegates and votes at meetings of the House of Delegates as hereinafter provided. The list of member organizations of the U.S.O.C., classified by groups, shall be kept up to date by the Executive Director as an Appendix to this Constitution, and shall be made available upon request to any member of the U.S.O.C.

Group A. (National Sports Governing Bodies)

Eligible for Group A shall be those national organizations which are recognized by the U.S.O.C. as the national sports governing bodies for sports on the program of the Olympic or Pan American Games. Each member of Group A shall be identified with a sport eligible for inclusion in such Games. In accordance with I.O.C. Rule 24, the U.S.O.C. shall not recognize more than one national sports governing body in each sport. Each national governing body is recognized by the U.S.O.C. as entertaining jurisdiction over all international amateur competition involving United States teams or individuals, in conformity with rules and regulations of its international federation; and serving as the coordinating agency for amateur competition in its sport within the United States. Members of Group A, Olympic Division, shall be those recognized national sports governing bodies which are members in the United States of International Sports Federations recognized by the International Olympic Committee for the purpose of administering the competitions on the Olympic program. Members of Group A, Olympic Division, shall constitute a voting majority of the House of Delegates and of the Executive Board of the U.S.O.C. Members of Group A, Pan American Division, shall be those recognized national sports governing bodies in sports which are not on the Olympic program but are eligible for inclusion in the program of the Pan American Games.

To be recognized by the U.S.O.C. as a national sports governing body, an organization shall:

a) open its membership, directly or by affiliation, to all individuals who are amateur athletes, coaches, trainers, officials, and administrators in the sport concerned and/or to an amateur athletic organization active in the sport;

b) demonstrate its ability to administer its sport adequately in both its national and international aspects at various relevant levels of sports proficiency, and in particular to comply with all applicable international requirements (written and uniformly applied to all nations) relating to recognition as the governing body for that sport;

c) provide equal opportunity, without regard to race, creed, color, religion, age or sex for participation in its sport to all individuals who are eligible under applicable international or reasonable national amateur athletic rules and regulations and apply such rules and regulations concerning athletic competi-

tion without discrimination to all such individuals; and shall not deny eligibility to any athlete except after according such athlete fair notice and hearing as to the issue of his or her eligibility.

d) be governed by a board (1) whose members are selected without regard to race, creed, color, religion, age or sex and (2) whose voting membership on a current basis is composed of at least 20% of individuals who are actively engaged in amateur athletic competition in the sport concerned, or who have represented the United States in international amateur competition in that sport within the preceding ten (10) years. In addition, the Board shall provide for a reasonable proportion of representatives of other national amateur organizations, if any, which conduct regular national programs or competition in its sport at various relevant levels of proficiency during the current Olympic period if the sport is actually on the program of the forthcoming Olympic or Pan American Games, and which are capable of holding an annual championship on a level of proficiency appropriate to the selection of athletes to represent the United States in international competition, and in addition are capable of conducting international athletic competition in that sport.

e) be autonomous in the administration of its sport, and to that end shall exercise independent jurisdiction and control over the administration, eligibility, sanctioning authority, representation, and rules of competition for its sport; and further to that end shall be incorporated and shall hold membership in the International sports federation for its sport, or if not so presently constituted shall proceed as expeditiously as possible to become so constituted. (It is understood that a Group A member governing two different sports, may be deemed to be autonomous as to each, if a single International federation also governs the two sports, and the Group A member meets the other requirements of autonomy, i.e. functions independently of other national governing bodies.)

f) establish that it is able to perform effectively and efficiently the function of the U.S. representative to the international sports federation recognized for its sport by the International Olympic Committee or the Pan American Sports Organization.

Each Group A member shall be entitled to five (5) delegates and a total of fifty (50) basic votes, except that Athletics (track and field) and Swimming (including Diving, Water Polo, and Synchronized Swimming) shall be entitled to ten (10) delegates and a total of one hundred (100) basic votes, each. At least 20% of the delegates of each member of Group A shall be athletes who have competed as members of a United States National Team in the Olympic or Pan American Games, or other major international competition, within the preceding ten years. In addition, the members of Group A, Olympic Division, shall be entitled to as many supplemental votes as may be necessary to give the division as a whole not less than a majority of all votes eligible to be cast at any meeting of the House of Delegates of the U.S.O.C. on ordinary matters of business, and two-thirds (2/3) of such votes when constitutional amendments are under consideration. These supplemental votes shall be computed prior to each meeting of the House of Delegates, and shall be allocated proportionately among the members of Group A, Olympic Division.

Group B. (National Multi-Sport Organizations)

Eligible for Group B shall be those national organizations in the United States from which directly or indirectly there have come substantial numbers of members of the United States Olympic or Pan American teams in two or more sports but which are not members of Group A for such sports, and which either hold national programs or championships in two or more such sports or competitions upon the Olympic or Pan American programs, or through the constituent or related units of which regular and nationwide competition is fostered and held in two or more such sports or competitions upon the Olympic or Pan American programs at a level of proficiency appropriate to the selection of athletes to represent the United States in international competition.

The U.S.O.C. recognizes each Group B member as entertaining jurisdiction over competition engaged in solely by its constituents.

Each member of Group B shall be entitled to five (5) delegates and a total of fifty (50) votes. The collective representation of the Armed Forces as a member of Group B shall consist of one delegate each from the United States Air Force, the United States Army, the United States Marine Corps, and the United States Navy; and one (1) military athlete as hereinafter described. At least one (1) of the delegates of each member of Group B shall be an athlete who has competed as a member of a United States national team in the Olympic or Pan American Games, or other major international competition, within the preceding ten (10) years.

Group C. (Affiliated Sports Organizations)

Eligible for Group C shall be those national sports organizations, not eligible to be a constituent of a Group A member, that function as national governing bodies in amateur sports which are not on the program for the Olympic or Pan American Games, but are widely practiced in other countries and may therefore be eligible for inclusion in future programs of the Olympic or Pan American Games. Members of Group C shall (a) comply substantially with the criteria for national sports governing bodies applicable to Group A members, (b) be affiliated with an international sports federation, if there is such a federation in that sport, (c) hold regular national championships, and (d) actively participate in such international competition as may be available in that sport.

Each member of Group C shall be entitled to one (1) delegate and one (1) vote.

Group D. (State Olympic Organizations)

Eligible for Group D shall be the Olympic organization for each of the 50 states and the District of Columbia which is recognized by the United States Olympic Committee for the purpose of bringing together all interested individuals, organizations, and corporations within each state and the District of Columbia to further the purposes and goals of the United States Olympic movement in the interest of conducting and coordinating all United States Olympic Committee fund-raising activities within the State or District and of enhancing the image of the United States Olympic Committee in the State or District by establishing broad and comprehensive communications programs enabling the general public to identify more readily with the United States Olympic movement.

Each member of Group D shall be headed by the State Olympic Chairman nominated by the Chairman of the Finance Committee and approved by the Executive Board.

Each member of Group D shall be entitled to delegates and votes according to the number of its Congressional representation in the House of Representatives, as follows:

One (1) delegate if the number of Congressional representatives is six (6) or less;

Two (2) delegates if the number of Congressional representatives is between seven (7) and eighteen (18); and

Three (3) delegates if the number of Congressional representatives is nineteen (19) or more.

Each member of Group D shall be entitled to one (1) vote for each delegate.

ARTICLE IV—Dues

The House of Delegates shall annually fix the amount of dues, not less than twenty-five (\$25) dollars, for each member organization of the U.S.O.C. for the next succeeding calendar year. Such dues shall be fixed on an equitable basis and shall be due and payable on the first day of January each year. Failure to pay all dues by the first day of February, or the date of a regular or special meeting of the House of Delegates in that year, whichever is earlier, shall suspend all membership privileges of the delinquent member, including representation on the Executive Board and all committees, until all arrearages are paid. Memberships shall be terminated automatically if the delinquent member remains in arrears for dues by the first day of February of the next succeeding year.

ARTICLE V—Admission and Reclassification of Member Organizations

Section 1. The House of Delegates by majority vote shall have the power to elect properly qualified members to Groups A to D, inclusive, to transfer a member organization from one group to another, and to suspend or terminate such membership, as circumstances may require; provided (a) that notice of any such proposed action on membership and of the recommendation of the Membership Committee shall have been given to the interested parties prior to the meeting at which such action is to be taken, and (b) that the termination or denial of Group A membership shall be subject to the provisions of Sections 5 and 6 of this Article.

Section 2. Except for these applicants for membership that are processed pursuant to Article V, Section 6, the Membership Committee shall make a report with recommendations to the House of Delegates on all applications for membership in Groups A to D inclusive, and all proposals for transfer of a member organization from one group to another, or for suspension or termination of such membership, showing the facts that support the proposed action in accordance with the standards and criteria for membership in each group as are specified in Article III and as may be further developed pursuant to the policies established by the House of Delegates, particularly with respect to the qualifications, votes, delegates and dues of organizations entitled to membership in Group A.

Section 3. The House of Delegates shall specify the date upon which the rights and duties of new and transferred members (including votes, delegates, and dues) shall become effective. If no date is specified such rights and duties shall become effective immediately upon completion of the action of the Board related to the admission or transfer of members.

Section 4. An organization admitted to Group A membership shall be under duty to:

(a) maintain a comprehensive program to develop interest and participation throughout the United States in the sport it seeks to govern and shall be responsible to the individuals and organizations it represents, and to that end shall, by consultation with its members, seek to minimize, and require its members to seek to minimize, conflicts in scheduling of competitions in its sport, having due regard for regular programs of competition sponsored by it and by each of its members, and for opportunities for international competition available to it and its members.

(b) keep amateur athletes under its jurisdiction informed of policy matters being considered by the organization, and should reasonably reflect the views of these athletes in its policies.

(c) honor the request of any amateur organization which is a member of or affiliated with the Group A member for permission to conduct international amateur athletic competition or programs involving United States athletes, unless the Group A member reasonably determines:

1. that appropriate steps have not been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition in the United States and in international amateur athletic events; or

2. that appropriate provision has not been made for validation of records which may be established during the competition; or

3. that due regard has not been given to any international amateur athletic requirements specifically applicable to the competition; or

4. that the competition will not be conducted by qualified officials; or

5. that proper medical supervision will not be provided for athletes who compete; or

6. that proper safety precautions have not been taken to protect the personal welfare of the athletes or spectators; or

7. that the sports organization or other person conducting the competition refuses to submit an audited or notarized financial report of the most recent similar event, if any, conducted by the organization; or unless it demonstrates by clear and convincing evidence that holding the competition would be detrimental to the best interests of the sport.

(d) honor the right of an eligible amateur athlete to compete in any amateur competition conducted under its auspices or the auspices of any other sports organization which is a member of or affiliated with the Group A member, unless it can be established that the denial was based on evidence that the person or organization conducting the competition did not meet the requirements stated in paragraph (c) of this section.

(e) establish an internal procedure to insure that when any dispute relating to eligibility for national or international competition arises, the selection of athletes for national or international competition, or alleged discrimination based on age, sex, race, creed, or national origin, the individual or organization concerned will be given notice and afforded a full and fair hearing thereon.

Section 5. Any member of the U.S.O.C. Executive Board, or any organization or person belonging to or eligible to belong to a Group A member, believing that a Group A member is in default of compliance with the requirements for membership set forth in Article III or the obligations imposed by Section 4 of this Article, shall after having exhausted any remedies available under the organic documents of such Group A member, be entitled to file a written complaint with the U.S.O.C., setting forth the alleged grounds of default and any supporting evidence or documentation forming the basis for the complaint. The Executive Director (with advice of the Counselor) shall, within thirty (30) days after receipt of the complaint, investigate the facts surrounding the complaint and make a determination whether, in his judgment, the alleged complaint is sufficiently meritorious as to warrant a hearing on the matter by the Executive Board.

(a) If the Executive Director finds that the complaint is not meritorious as aforesaid, he shall promptly so advise the complainant in writing of his determination, fully stating the basis for his determination. If the complainant then so requests in writing within thirty (30) days after receipt of the determination, the Executive Director shall refer the complaint and his determination to the next meeting of the Executive Board for review. The Executive Board may either (i) uphold the determination of the Executive Director or (ii) overrule the determination of the Executive Director, in which event the hearing procedures referred to in subsection (b) of this Section shall apply.

(b) If the Executive Director determines that the complaint is meritorious as aforesaid (or if his determination of non-merit is overruled by the Executive Board), he shall refer the matter promptly to the Executive Board for a hearing on the merits. Subject to the provisions of subsection (c) below, both the complainant and the Group A member shall at such hearing be given a reasonable opportunity to present evidence in support of their respective positions. On the basis of the evidence presented, the Executive Board shall (i) if it finds the complaint to be without substantial merit, find against the complainant (in which event the matter shall be at an end) or (ii) if it finds the complaint to have substantial merit, cite the Group A member for noncompliance, in which event the Group A member shall be required by such citation to bring itself into compliance with the appropriate standard for membership (and report such compliance in writing to the Executive Director, with copy to the complainant) within a stated period, determined by the Board, of not more than six months. The Executive Board shall promptly and in writing notify the complainant and the Group A member of its findings. At its meeting next following receipt by the Executive Director of a report of compliance, or upon expiration of the period fixed by the Board for compliance, whichever first occurs, the Board shall again review the matter, and shall give both the complainant and the Group A member a reasonable

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opportunity to be heard. If after such review, the Board determines that the Group A member has brought itself into compliance, the matter shall be at an end. If the Board determines that the Group A member is not in compliance, it shall then either (i) suspend the Group A member from U.S.O.C. membership (during which suspension the Group A member shall not be entitled to the privileges of membership) or (ii) recommend to the House of Delegates that membership of the Group A member be terminated. In the event of suspension, the Group A member shall be entitled to reinstatement only upon presentation of evidence to the Board that it is in compliance with all criteria for Group A membership set forth in Article III hereof, and is in compliance with, or prepared to comply with, the criterion forming the basis of the original complaint.

(c) In the event a matter arising under this Section is referred to the Executive Board for hearing, the President with the approval of the Administrative Committee may, if he believes it will serve the interest of expeditious consideration of the complaint, appoint a hearing panel of not less than five members of the Board to hear evidence on the complaint. If appointed, such a panel shall include one U.S.O.C. officer (who shall chair the panel), two Board representatives of a Group A member organization, one Board representative of a Group B member organization, and one athlete who has been elected to the Board by the Athletes' Advisory Council; and shall not include any member of the Board having a direct interest, either personally or by virtue of organizational affiliation, in the outcome of the matter. A panel so appointed shall convene as expeditiously as possible; shall hear the evidence presented by the parties to the matter; and shall prepare and submit a full written report (i) summarizing such evidence for the Board and (ii) forwarding to the Board any written materials desired by the parties to the matter. Upon receipt of such report and materials, the Board may elect to receive further written or oral evidence or presentations, or may decide its action on the matter of the basis of the report and materials submitted by the panel.

Section 6. (a) Any national amateur sports organization seeking to replace an incumbent as the Group A member for a particular Olympic or Pan American sport may initiate a formal proceeding for recognition by the USOC as the national governing body for that sport by filing a written application within one year after the termination of the summer Olympic Games; provided that, if two or more organizations file applications for the same sport, then in that event such applications shall be considered in a single proceeding.

(b) The application shall be addressed to the United States Olympic Committee and shall be forwarded by registered mail to the attention of the Executive Director. It shall contain the name and address of the organization filing the application and of its principal officers, and shall include a sworn statement by an authorized officer or agent attesting to the truth of the allegations of the fact therein set forth. The application must allege with particularity: (i) that the incumbent Group A member does not comply with one or more specific requirements for Group A membership, as set forth in Article III, or does not fulfill one or more specific obligations imposed upon Group A members by Section 4 of this Article; (ii) that the applicant has made a bona fide effort to persuade the incumbent to correct such deficiency, including filing of a complaint under Section 5 of this Article; (iii) that the applicant

is prepared to show to the USOC that it is better qualified than the incumbent to comply with the aforesaid membership requirements and obligations; and (iv) that due notice of the initiation of the proceeding under this Section has been given to the incumbent Group A member, by mailing to it, by registered or certified mail, a copy of this application. (If two or more applications for the same sport are filed with the USOC within a period of thirty (30) days, each applicant shall be entitled to make a copy of the other applications for its own use.)

(c) Upon receipt of an application under this Section, the Executive Director, after consultation with the Counselor, shall determine whether in his judgment the application on its face satisfies in full the requirements of paragraphs (a) and (b) above. In the event that it does not, he shall reject the application and notify the applicant that the application will be null and void unless the defects are cured in full within the succeeding ten (10) days; but such rejection shall be without prejudice to the filing of a new application within the time limit specified in paragraph (a). Once the application is determined fully in order, the Executive Board shall, as soon as practical, hold a hearing at which the applicant and the incumbent shall each be given a reasonable opportunity to present evidence relative to their respective compliance with the criteria for Group A membership as set forth in Article III and their respective ability or willingness to fulfill the obligations imposed upon Group A members by Section 4 of this Article. The Executive Board shall consider the evidence and promptly determine the recommendation that it will make to the House of Delegates with respect to the matter, as follows: (i) to uphold the right of the incumbent to continue as the Group A member for its sport; or (ii) to terminate the incumbent's Group A membership and declare a vacancy in the Group A membership for that sport; or (iii) to terminate the incumbent's Group A membership and elect the applicant (or one of them if there are more than one) to Group A membership for that sport. And of the foregoing recommendations may be made conditional upon the incumbent's taking of remedial action, or its failure to take remedial action, within the time limits specified by the Board. The Executive Board shall, as soon as possible, by registered or certified mail, notify the applicant or applicants and the incumbent of its recommendation.

(d) If a party to the proceeding considers itself aggrieved by the Board's recommendation, or by the subsequent failure of the House of Delegates to follow the Board's recommendation, it may within thirty (30) days after either action submit a claim to the American Arbitration Association, with copy to the other party and the USOC, for binding arbitration under the conditions stated in Section 7 of this Article. No action on the matter shall be taken by the Board or the House of Delegates while the arbitration is pending.

(e) By maintaining membership in the USOC, each Group A member agrees to submit, on demand, to arbitration as provided herein. By making application under the terms of this section, an applicant for Group A membership agrees to submit, on demand, to arbitration as provided herein.

(f) If the final arbitration award upholds the claim of a national amateur sports organization to replace the incumbent as the national governing body for its sport, such organization shall be deemed elected to Group A membership in the USOC and the Group A membership of the incumbent shall be deemed terminated, without further action by the House of Delegates. The USOC shall, within sixty (60) days after such award, recommend and support in any other appropriate manner the

new Group A member to the appropriate international sports federation for recognition by such federations as the United States governing body in that sport, any provision to the contrary in Article III, Section 3, notwithstanding. Such action shall include, without limitation, formally advising such federation of the decision of the USOC and recommending acceptance of such action by the federation as well.

Section 7. The arbitration proceeding pursuant to Section 6 shall be subject to the following conditions:

(a) The arbitration shall proceed under the commercial rules of the American Arbitration Association, except as modified herein or by agreement of the parties, before a panel of not less than three (3) arbitrators.

(b) The USOC shall be entitled to notice of, and to representation as an observer at, all stages of the arbitration proceeding; but, except as USOC representatives may be called as witnesses at a request of any party or the arbitrators, shall not actively participate in the proceeding.

(c) The arbitrators shall use their best efforts to complete the arbitration within one year after the date of filing of a demand therefor, consistent with the requirement that the parties each be accorded reasonable time to prepare and present their respective case.

(d) The party demanding the arbitration shall have the burden of establishing by a preponderance of the evidence: (i) that it satisfies, better than the other party, the criteria for Group A membership set forth in Article III hereof, and (ii) that it is able and willing, better than the other party, to fulfill the obligations imposed upon Group A members by Section 4 of this Article; provided that neither party may cite, with respect to the other party, a deficiency that was caused or brought about by the action of the first party.

(e) If the arbitrators are satisfied that either party is entitled to prevail over the other, but a final award is not appropriate because of minor deficiencies which in their opinion can be remedied within a reasonable time, the arbitrators may make a conditional award in favor of such party, to become final if the deficiencies are remedied within the time specified by the arbitrators. If at the expiration of the specified time, or any reasonable extension thereof, the arbitrators are satisfied that the conditions of the award have been met, the award shall become final. If, on the other hand, the arbitrators are of the view that there has not been timely compliance, they may modify or reverse the conditional award and may, in their discretion, direct that a final award be entered in favor of the other party.

(f) The arbitrators shall be empowered to attempt to cause the parties to settle their differences, without the necessity of a final arbitration award. Unless such settlement is inconsistent with the terms of the USOC Congressional charter, this Constitution, or the published rules of the International Olympic Committee, it shall be recognized by the USOC.

(g) The arbitral award shall be binding upon the parties thereto and, unless the award is inconsistent with the terms of the USOC Congressional charter, this Constitution, or the published rules of the International Olympic Committee, upon the USOC.

(This amendment shall not be applicable to any controversies pending at the time of its adoption.)

ARTICLE VI—House of Delegates

Section 1. The House of Delegates of the U.S.O.C. shall have the authority to elect the officers of the U.S.O.C. and to remove the same for cause; to enact, amend, or repeal the By-Laws; to admit new members, to reclassify and to terminate the membership of members as provided in Article V; to receive and review the reports of the Executive Board, of the Administrative Committee, of the Executive Director, and of all committees or other persons, concerning the activities of the U.S.O.C.; to amend the Constitution as provided in Article XXVIII; and to take such other action as is customary and proper for the members of a corporation.

Section 2. Each member organization of the U.S.O.C. shall be entitled to representation at any meeting of the House of Delegates thereof by the number of delegates allotted to such member by Article III hereof and a like number of alternates to act in place of such delegates if absent. A lesser number of delegates present may cast the full number of votes to which such member is thus entitled, but any member not represented by at least one (1) delegate shall not be entitled to a vote at such meeting. No delegates or alternates may vote by proxy. Members in arrears in payment of dues shall not be entitled to representation or vote.

Section 3. If at any meeting of the House of Delegates two (2) or more delegates representing a member organization should fail to agree upon a question pending before the meeting, the total vote to which such member may be entitled under the provisions of this Constitution shall be counted in ratio to such difference.

Section 4. Any member organization of the U.S.O.C. may at any time, on written notice to the Secretary of the U.S.O.C., withdraw any or all of its delegates or alternate and substitute a like number of delegates or alternates for those withdrawn.

Section 5. No delegate and no alternate shall be entitled to represent more than one (1) member organization of the U.S.O.C. No delegate and no alternate shall be entitled to represent any member organization of the U.S.O.C. unless he or she is an officer or a member of the governing board thereof or has been duly appointed by the member whose credentials he or she holds. All delegates and alternates must present their credentials to the U.S.O.C. through its Secretary no less than thirty (30) days prior to the date of the Meeting.

Section 6. The following individuals shall be entitled to attend meetings of the House of Delegates, to participate in the deliberations and to vote therein, except as hereinafter provided:

(a) Each International Olympic Committee member for the United States, and the U.S. member of the Executive Committee of the Pan American Sports Organization shall each be entitled to one (1) vote.

(b) Past officers of the U.S.O.C. or its predecessor organization, and current officers of the U.S.O.C. shall each be entitled to one (1) vote unless they are qualified to vote under another provision of the Constitution.

(c) The Counselor, the Executive Director, and the chairmen of constitutional or standing committees appointed or approved by the Executive Board, during the period of their

active service in their respective capacities, shall have a voice in the deliberations of the House of Delegates but shall have no vote unless they are qualified to vote under another provision of the Constitution.

ARTICLE VII—Committee on Credentials

Section 1. Prior to any meeting of the House of Delegates, the Administrative Committee shall appoint a Committee on Credentials consisting of the Secretary of the U.S.O.C. and four (4) other persons. Subject to approval by this Committee, the Executive Director shall make up a roll of the member organizations entitled to representation at the forthcoming meeting, with the names of the delegates and alternates accredited by such member organizations, and of the names of individuals entitled to vote at such meeting.

Section 2. No delegate or alternate shall be eligible to represent an organization at any meeting unless he or she be certified to that effect by the Committee on Credentials or admitted to the meeting by a majority of votes cast by the duly accredited delegates of the House of Delegates at such meeting.

Section 3. A decision of the Committee on Credentials denying voting rights to an individual at any meeting may be reversed by a majority of votes cast by the duly accredited delegates at such meeting.

ARTICLE VIII—Officers

Section 1. The honorary officers of the U.S.O.C. shall be an Honorary President and two or more Honorary Vice Presidents, as may be determined from time to time by a majority vote of the Executive Board.

Section 2. (a) The officers of the U.S.O.C. shall be a President, a First Vice President, a Second Vice President, a Third Vice President, a Secretary, and a Treasurer. These officers shall be elected by a majority of the votes cast at the Quadrennial Meeting of the House of Delegates.

(b) There may also be Presidents Emeriti who shall be elected by a majority of the votes cast at the Quadrennial Meeting.

Section 3. (a) At least six months prior to the Quadrennial Meeting, a Nominating Committee of nine (9) members who are not currently officers shall be elected by the Executive Board on the recommendation of the Administrative Committee to propose a slate of officers for the next Quadrennial period. At least one member of the Committee shall be an athlete who has competed on a United States national team in the Olympic or the Pan American Games or other major international competition within the past ten (10) years.

(b) The members of the Nominating Committee shall be generally representative of the various constituencies of the U.S.O.C. and shall elect their own chairman. They may not accept nomination for any office.

(c) The nominations by the Nominating Committee shall be filed with the Executive Director at least ninety (90) days, and shall be mailed by him to the members of the U.S.O.C. at least seventy-five (75) days, prior to the date of the Quadrennial Meeting. Additional nominations may be made by petition signed by five (5) or more organizations entitled to

representation on the Executive Board, provided such nominations are filed with the Executive Director at least forty-five (45) days prior to the date set for the Quadrennial Meeting.

(d) The Executive Director shall include all nominations for officers, indicating by whom nominated, as a part of official notice and agenda mailed to members of the U.S.O.C. at least thirty (30) days before the Quadrennial Meeting.

(e) In case of a nominee's withdrawal, death, or inability to stand for election, nominations for the office affected shall be accepted from the Nominating Committee, and/or from the floor if endorsed by five (5) organizations entitled to representation on the Executive Board.

(f) A person who has been duly elected President at a Quadrennial Meeting and is serving in that capacity, shall be ineligible for nomination and re-election at the next succeeding Quadrennial Meeting.

Section 4. The term of all officers (except honorary officers) shall run until the next Quadrennial Meeting of the House of Delegates succeeding their election or until the election and qualification of their successors.

Section 5. In the event of death, disability, or resignation of any officer, the office shall be filled for the remainder of the unexpired term by a majority vote of the Executive Board.

ARTICLE IX—Executive Board

Section 1. The Executive Board shall have general charge of the business, affairs, and activities of the U.S.O.C. and shall define the policies to be followed in carrying out the purposes and objects of the U.S.O.C. as set forth in the Act of Congress creating the U.S.O.C. and in the Constitution, By-Laws and General Rules of the U.S.O.C.

Section 2. The Executive Board shall consist of the following directors who shall each have one (1) vote, unless otherwise herein provided:

(a) The President, the Immediate Past President, the Vice Presidents, the Secretary, and the Treasurer of the U.S.O.C.

(b) The International Olympic Committee's members for the United States and the United States member of the Executive Committee of the Pan American Sports Organization.

(c) Two (2) directors to be elected or appointed in writing by the members of Group A which are recognized as the national governing bodies for Athletics (track and field) and Swimming (including diving, water polo, and synchronized swimming), and one (1) director to be elected or appointed in writing by each of the other members of Group A. Each of the Directors designated by national governing bodies in the Olympic sports shall be entitled to two (2) votes.

(d) One (1) director to be elected or appointed in writing by each of the members in Group B.

(e) One (1) director to be elected by the members of Group C at the Quadrennial Meeting, provided that this group at that time consists of five (5) or more member organizations.

(f) One (1) director to be elected by the members of Group D at the Quadrennial Meeting.

(g) Six (6) directors who have been competing athletes as members of a United States national team in the Olympic or Pan American Games of other major international competition within the preceding ten (10) years to be elected by the Athletes' Advisory Council in a manner prescribed in the By-Laws. Furthermore, in the event that the total membership of the Executive Board, including the aforesaid six (6) directors, shall consist of less than 20% of athletes who have competed as members of a United States national team within the ten (10) preceding years as hereinbefore provided, the Athletes' Advisory Council shall be entitled to elect additional directors in a number sufficient to insure that not less than 20% of the total membership of the Executive Board shall consist of athletes who have competed within the preceding ten (10) years as members of a United States national team in the Olympic or Pan American Games or other major international competition. Any vacancies in the Executive Board representatives occurring during the quadrennial period will be filled at the first Athletes' Advisory Council meeting following the creation of the vacancy.

Section 3. The honorary officers, presidents emeriti, Counselor, Executive Director, and Chairmen of constitutional, standing, or special committees, shall be entitled to attend meetings of the Executive Board with voice but without vote.

Section 4. (a) Except as herein otherwise provided, each director shall take office at the Quadrennial Meeting of the House of Delegates and shall serve until such time as his or her successor shall have been elected or appointed in the manner prescribed in this Article.

(b) In the event the same person should be named to two (2) or more positions on the Executive Board, he or she shall be entitled to hold only one (1) such position, to be chosen by him or her, and the other position or positions shall be declared vacant.

(c) A vacancy in the Executive Board membership in classes (c) or (d) above may be created at any time upon written notice to the Secretary by action of the organization which elected or appointed the member, and such vacancy may be filled in the same manner. Action under this section with respect to classes (e) and (f) shall be taken by Group C and Group D members only at the time of a meeting of the House of Delegates. Action by the Athletes' Advisory Council shall be taken in the manner prescribed in the By-Laws. Action with respect to class (g) shall be taken by the Athletes' Advisory Council in the manner prescribed in the By-Laws.

(d) In case of the temporary absence of an Executive Board member in classes (c) through (g) above, an alternate designated by the original electing or appointing organization on written notice to the Secretary may attend a meeting of the Board and exercise therein all the privileges of the absent member.

Section 5. The President shall act as Chairman of the Board; in his absence the First Vice President shall preside; in the absence of the President and First Vice President, the Second Vice President shall preside; and in the absence of the President, and of the First and Second Vice Presidents, the Third Vice President shall preside. If neither the President nor a Vice President is present, the Executive Board may choose a presiding officer.

ARTICLE X—Administrative Committee

Section 1. The Administrative Committee, under the chairmanship of the President of the U.S.O.C., shall have the responsibility for supervising the conduct of the daily affairs of the U.S.O.C. according to the policy guidelines prescribed by the Executive Board, and shall perform such other duties as may be assigned to it in the Constitution, By-Laws and General Rules of the U.S.O.C. or by resolution of the House of Delegates or the Executive Board.

Section 2. The Administrative Committee shall consist of the officers of the U.S.O.C. and seven (7) other voting members appointed by the President and confirmed by the Executive Board. The appointed members need not be members of the Executive Board, but shall be selected as follows:

(a) The directors of Group A shall elect a panel of nine (9) candidates from organizations in Group A other than those with which any officer may be or have been affiliated, and the President shall select three (3) from this panel.

(b) The directors from Group B shall elect a panel of three (3) candidates from organizations in Group B other than those with which any officer may be or have been affiliated, and the President shall select two (2) from this panel.

(c) The directors named to the Board by the Athletes' Advisory Council shall select a panel of six (6) athletes who have competed on a United States national team in the Olympic or Pan American Games or other major international competition within the last ten (10) years, and the President shall select two (2) from this panel.

Section 3. The Immediate Past President, the IOC and PASO members on the Executive Board, the Counselor, and the chairmen of the Investment and Finance Committees, shall likewise be entitled to attend meetings of the Administrative Committee with voice but without vote. The Executive Director shall serve as a non-voting, ex-officio member of the Administrative Committee.

ARTICLE XI—By-Laws and General Rules

By-Laws of the U.S.O.C. not inconsistent with the provisions of this Constitution, may be enacted, amended or repealed by a majority vote at any meeting of the House of Delegates or of the Executive Board, provided the prescribed prior notice shall have been given. The Executive Board may also adopt General Rules of procedure, not inconsistent with the provisions of this Constitution or of the By-Laws, for itself and for the various committees of the U.S.O.C. with binding effect upon all persons in any way connected with the activities of the U.S.O.C.

ARTICLE XII—Meetings of House of Delegates

Section 1. (a) The Quadrennial Meeting of the House of Delegates shall be held not less than two months and not more than six months after the close of the Olympic Games. Other regular meetings shall be held annually thereafter, between November 1 of one year and April 30 of the following year.

(b) The Administrative Committee, subject to the approval of the Executive Board, shall decide the place and time of such meetings. The Executive Director shall send to all members of the U.S.O.C. notice of such meetings together with an agenda thereof, and each such notice shall be sent at least thirty (30) days before the date of the meeting.

Section 2. Special meetings of the House of Delegates may be called by the President, directly or through the Executive Director, on sixty (60) days written notice to each member, and must be called by the President or the Secretary when asked for by members having in the aggregate a number of votes equal to the majority of the total vote of the House of Delegates as set down in Article III.

ARTICLE XIII—Action at Meetings

Section 1. A quorum for the transaction of business at any meeting of the House of Delegates shall consist of a majority of the total vote of the U.S.O.C. membership as set down in Article III.

Section 2. A quorum for the transaction of business at any meeting of the Executive Board or of any constitutional, standing or special committee shall consist of a majority of the individual members of the Executive Board or Committees.

Section 3. Actions taken at a meeting of the House of Delegates or its Executive Board, shall become effective immediately following the adjournment of the meeting, except as otherwise provided in the Constitution or By-Laws or when a definite effective date be recited in the record of the action taken.

ARTICLE XIV—Transacting Business by Mail or Telegraph

The House of Delegates and the Executive Board shall have the power to transact their respective business by mail or telegraph, if in the judgment of the President the urgency of the case requires such action; but if a majority of the total vote of the House of Delegates as set forth in Article III, or of the Executive Board indicate their unwillingness to decide such a matter in such manner, the President must call a meeting of the House of Delegates or of the Executive Board to determine the question at issue.

ARTICLE XV—Counselor

Section 1. There shall be a Counselor who shall act as the chief legal advisor of the U.S.O.C. and its officers, directors, and committees. He shall be nominated by the Administrative Committee and elected by a majority vote of the Executive Board.

Section 2. The Counselor shall be eligible to attend the meetings of the House of Delegates, or its Executive Board or its Administrative Committee and to act in an advisory capacity therein, including initiating advice whenever he deems it desirable; but he shall be ineligible to serve as a director and he shall have no right to vote or make motions.

ARTICLE XVI—Executive Director

Section 1. There shall be an Executive Director who shall serve as the chief administrative official of the U.S.O.C. He shall be nominated by the Administrative Committee and elected by a majority vote of the Executive Board for a term ending with the next Quadrennial Meeting and he shall serve until his successor is elected. He may be removed at any time with or without cause by majority vote of the Board, without prejudice to his contract rights.

Section 2. All official notices or other correspondence intended for the U.S.O.C., its Executive Board or Administrative Committee, or any of its officers or committees, may be addressed in care of the Executive Director, who will be responsible for proper attention thereto.

Section 3. The Executive Director shall devote his entire time and services to the affairs of the U.S.O.C. and shall not engage in any other profession or employment. He shall receive such salary and other benefits as may be recommended by the Administrative Committee and approved by the Executive Board.

Section 4. The Executive Director shall not have the status of an officer of the U.S.O.C., but shall be entitled to attend all meetings of the House of Delegates and of the Executive Board and shall be a non-voting member of all the U.S.O.C. committees. In addition, the Executive Board may designate the Executive Director as the Secretary-General of the U.S.O.C. for all purposes for which such title is customarily used by the International Olympic Committee and other international sports organizations.

ARTICLE XVII—Athletes' Advisory Council

Section 1. There shall be an Athletes' Advisory Council consisting of those athletes serving as members of the Executive Board and such additional athletes, at least one from each sport in which the United States is represented at the Olympic and Pan American Games, as are elected to broaden communication between the U.S.O.C. and currently active athletes, and to serve as a source of opinion and advice to the Executive Board with regard to both current and contemplated policies of the U.S.O.C.

Section 2. Election to membership in the Council shall be made in accordance with provisions of the By-Laws. Elected athletes shall serve until the next Quadrennial Meeting or until their successors are elected.

ARTICLE XVIII—Budget and Audit Committee

Section 1. There shall be a Budget and Audit Committee appointed by the President and approved by the Executive Board in the manner provided in the By-Laws.

Section 2. The responsibilities of the Budget and Audit Committee shall be as follows:

(a) To transmit the Quadrennial Budget of income and expense for the U.S.O.C., for approval by the Executive Board.

(b) To monitor performance of the operating units of the U.S.O.C., on both income and expense, in relation to the budget approved by the Executive Board;

(c) To prepare annual or other periodic recommendations for modification of the budget if necessary, for approval of the Executive Board; and

(d) To audit, with appropriate professional assistance, the accounts of the U.S.O.C., and to make annual reports thereon to the Executive Board and the House of Delegates.

Section 3. The responsibilities of the Committee shall be discharged in accordance with the policies prescribed by the Executive Board as set forth in the By-Laws and General Rules of the United States Olympic Committee.

ARTICLE XIX—Finance Committee

Section 1. There shall be a Finance Committee appointed by the President and approved by the Executive Board in the manner provided in the By-Laws.

Section 2. The responsibilities of the Finance Committee shall be as follows:

(a) To recommend to the Executive Board, and thereafter to monitor, the policies and procedures to be followed by the United States Olympic Committee in its fund-raising effort.

(b) To coordinate the efforts of the State Olympic Organizations (Group D members) insofar as they relate to fund-raising activities.

Section 3. The responsibilities of the Committee shall be discharged in accordance with the policies prescribed by the Executive Board as set forth in the By-Laws and General Rules of the United States Olympic Committee.

ARTICLE XX—Investment Committee

There shall be an Investment Committee consisting of three members appointed by the President with the approval of the Executive Board; the Chairman thereof shall be appointed in like manner. The Committee shall serve until the next Quadrennial Meeting, shall have responsibility for the management, in consultation with the Administrative Committee, of the invested funds of the U.S.O.C., and shall discharge such other duties and responsibilities as shall be assigned to it by the Administrative Committee or the Executive Board.

ARTICLE XXI—Committee on Development

Section 1. There shall be a Committee on Development appointed by the President and approved by the Executive Board in accordance with the provisions of the By-Laws.

Section 2. The responsibilities of the Committee on Development shall be as follows:

(a) To foster the long-term development, in cooperation with national governing bodies and other organizations, of an adequate pool of world-class athletes in each sport on the programs of the Olympic and Pan American Games, from which may be selected competent representatives of the United States in such Games.

(b) To foster the closest possible cooperation between the national governing bodies and private or public organizations, such as academic institutions, non-academic centers, and government agencies, which may contribute to the building and maintenance of improved physical facilities for training and competition, to the upgrading of coaching skills, and similar matters.

Section 3. The responsibilities of the Committee shall be discharged in accordance with the policies prescribed by the Executive Board as set forth in the By-Laws and General Rules of the United States Olympic Committee.

ARTICLE XXII—Games Preparation Committee

Section 1. There shall be a Games Preparation Committee appointed by the President and approved by the Executive Board in accordance with the provisions of the By-Laws.

Section 2. The responsibilities of the Games Preparation Committee shall be as follows:

(a) To recommend to the Executive Board, and thereafter to monitor, the policies and procedures to be followed by the U.S.O.C. in selecting, equipping, transporting, and generally providing administrative and technical support to the official U.S. delegation to the Pan American and Olympic Games.

(b) To analyze and evaluate the programs and procedures proposed by the national governing bodies for the selection of athletes and team officials to be recommended for final appointment to the Olympic or Pan American Teams, and to make an appropriate report to the Board before such programs and procedures are adopted.

(c) To keep in constant touch with the national governing bodies and to monitor the operation of the athlete selection system for at least six months prior to the opening of the Pan American Games in the case of sports on the Pan American program; for at least twelve months prior to the opening of the Winter Games in the case of Winter Sports; and for at least twelve months prior to the opening of the Olympic Games for sports which are not on the Pan American Program.

Section 3. The responsibilities of the Committee shall be discharged in accordance with the policies prescribed by the Executive Board as set forth in the By-Laws and General Rules of the United States Olympic Committee.

Section 4. The Committee shall make periodic reports to the Executive Board on the effectiveness of the work of the national governing bodies in the selection of athletes and team officials for the Games, and should make recommendations for remedial action immediately upon the discovery of any serious weakness therein.

ARTICLE XXIII—Relations with National Sports Governing Bodies

Section 1. Subject to the general supervision, direction and approval of the Executive Board, each of the Group A members shall have the primary authority and responsibility for selecting and nominating athletes and team officials in its sport for final appointment by the Executive Board to the United States Olympic or Pan American teams. The program of tryouts or other competitions for the selection of athletes and the plan or method of selecting managers, coaches, and other team officials, and any material modifications thereof, shall be submitted to the Games Preparation Committee for analysis and review and then for Executive Board approval before they become effective. All business arrangements for Olympic tryouts or other Olympic events shall be approved in advance by the Administrative Committee and shall be subject to confirmation by the Executive Board.

Section 2. The president and secretary of the national sports governing bodies, or other persons designated in place thereof, for each sport on the program of the forthcoming Olympic and Pan American Games, shall serve as liaison with the U.S.O.C. on the work of the national sports governing body in the selection and nomination of athletes and team officials, and all other activities related to the Olympic effort. This liaison shall

be concerned primarily with coordinating these activities with those of the U.S.O.C. Development Committee, Games Preparation Committee, and the Executive Director and his staff, in accordance with such regulations and guidelines as are set forth in the By-Laws of the U.S.O.C.

ARTICLE XXIV—Sports Medicine Committee

Section 1. There shall be a Sports Medicine Committee appointed by the President and approved by the Executive Board in the manner provided in the By-Laws.

Section 2. The responsibilities of the Committee on Sports Medicine shall be as follows:

- (a) To promote research in, and the practical application of, all aspects of Sports Medicine;
- (b) To receive, evaluate and serve as a central depository for all studies and prepared papers on Sports Medicine and related matters;
- (c) To provide—through clinics, workshops, text books and literature—a continuing education program in Sports Medicine for physicians, athletes, coaches, and trainers;
- (d) To establish liaison with federal, state and local government programs dealing with Sports Medicine and sports equipment.

Section 3. The responsibilities of the Committee shall be discharged in accordance with the policies prescribed by the Executive Board as set forth in the By-Laws and General Rules of the United States Olympic Committee.

ARTICLE XXV—International Olympic Academy Committee

The International Olympic Academy Committee shall be appointed by the President and approved by the Executive Board within six (6) months after the Quadrennial Meeting and shall serve until the next Quadrennial Meeting. The members shall include at least two (2) members of the Executive Board and not less than three (3) other United States citizens who have achieved distinction in a field related to the philosophy of the Olympic Games, such as the history of the ancient and modern Games, sport and the fine arts, sport psychology and medicine, sport education and amateurism.

The Committee's responsibility shall be to formulate and recommend to the Executive Board policies and plans for the participation of the United States in the program of the International Olympic Academy with headquarters at the site of the ancient Games in Olympia, Greece, and to take such action with respect thereto as the Executive Board may direct.

The Committee shall, in addition, be responsible for developing and implementing, with the approval of the Executive Board, those activities under the auspices of the United States Olympic Committee which are designed to promote the spirit of Olympism and to encourage widespread participation of citizens of the United States in the Olympic movement.

ARTICLE XXVI—Standing Committees

The President, with the approval of the Executive Board, shall have power to appoint a Committee on Legislation, a Committee on Membership, a Committee on Eligibility, a Committee on Apparel, Supplies and Equipment, a Committee on Food and Housing, a Committee on Transportation, a Committee on Medical and Training Services, a Games Site Selection Committee, and such other standing or special committees as may be deemed necessary, and to prescribe the respective duties and privileges of such committees.

ARTICLE XXVII—Financial Authority and Responsibility

Section 1. The Executive Board shall have the authority and the right to delegate authority to solicit, collect, or receive funds for the support of the activities of the U.S.O.C. and for financing the participation of the United States in the Olympic Games and the Pan American Games.

Section 2. The Executive Board shall have authority and the right to delegate authority to disburse funds of the U.S.O.C. for the support of its activities and for financing the participation of the United States in the Olympic Games and in the Pan American Games.

Section 3. All officers, directors, and members of committees of the U.S.O.C. shall act and serve without compensation in the aid of the educational purposes of the U.S.O.C. described in Article II, except as otherwise specifically provided in the Constitution or By-Laws.

Section 4. No individual officer, director or member of a committee of the U.S.O.C. shall be personally liable in respect of any debt or other obligation incurred in the name of the U.S.O.C. or any of its committees pursuant to authority granted directly or indirectly by the Executive Board. The Board shall adopt a standard form of contract restricting recourse for payment to the assets of the U.S.O.C.

ARTICLE XXVIII—Amendments to the Constitution

Section 1. Amendments to this Constitution may be made by two-thirds (2/3) of the votes cast at a regularly called meeting of the House of Delegates and shall take effect at the close of such meeting, or at such earlier or later time as may be specified in the resolution approving the amendment.

Section 2. All proposed amendments must be submitted to the Executive Director in writing at least sixty (60) days before the meeting and thereupon considered by the Executive Board, and all proposed amendments, together with the vote or recommendation of the Board thereon, shall be mailed by the Executive Director to each member of the U.S.O.C. In at least such number as shall represent the number of delegates to which such member is entitled. These proposed amendments and vote or recommendation of the Board shall be distributed to such members not later than thirty (30) days before the date of the meeting.

Except for such proposed amendments as are so sent out, no other amendment shall be considered, nor shall any proposed amendment to an amendment as proposed be considered, unless the same merely goes to the form and not to the substance thereof. Nevertheless, if more than one amendment has been proposed on the same subject matter, and there are substantive differences between such amendments, the meeting may, after due consideration of such proposals, adopt a compromise of substance as well as form; and if the adoption of an amendment as proposed or amended or compromised is inconsistent or in conflict with other parts of the Constitution, the meeting may adopt conforming amendments appropriate to the case.

Section 3. Not later than thirty (30) days before the date of any meeting of the U.S.O.C. at which Constitutional amendments are to be considered, a notice shall be published in a newspaper or magazine of national circulation, or in a publication published by or on behalf of the corporation, setting forth the substance of the proposed amendments, the time and place of the corporation's meeting at which such amendments are to be voted upon, and a provision informing interested persons that they may submit materials for consideration by the corporation at such meeting by delivering to the Secretary, not less than five (5) days before the meeting, written data, views or arguments concerning the proposed amendments. The Secretary in his or her sole discretion shall determine whether or not an interested person may be invited to make any additional written or oral presentation for consideration at the meeting, and shall mail to all persons who submit material under this section a copy of any amendment that may be adopted at the meeting.

Section 4. Amendments to this Constitution may also be made pursuant to Article XIV, Transacting Business by Mail or Telegraph, provided that the proposed amendments are distributed to the members, together with a statement of the reasons for the vote by mail or telegraph. Members will have twenty (20) days from the date of mailing of the amendments to file with the U.S.O.C. written comments, for or against the amendments. Thereafter, the amendments, together with the comments submitted, shall be distributed to the members at least fifteen (15) days prior to the last date at which votes will be received and counted. Amendments proposed under this Section may be adopted upon the affirmative vote of two-thirds (2/3) of all votes entitled to be cast at a meeting of the House of Delegates and shall be effective as of the closing date for the casting of votes, or at such later date as may be specified in the proposal.

ARTICLE XXIX—Saving Clause

Failure of literal or complete compliance with provisions of the Constitution or By-Laws in respect of dates and times of notice, or the sending or receipt of the same, or errors in phraseology of notice of proposals, which in the judgment of the members at meetings held do not cause substantial injury to the rights of members, shall not invalidate the actions or proceedings of the members at any meeting.



BY-LAWS

CHAPTER I—Officers

Section 1. The President shall be the chief executive officer and shall preside at all meetings of the House of Delegates, the Executive Board and the Administrative Committee. He shall be, ex officio, a non-voting member of all Committees, and he shall perform such other duties as may be assigned to him by vote of the House of Delegates or of the Executive Board.

Section 2. The First Vice-President shall perform the duties of the President in case of his absence or inability to act. He shall discharge such other duties as may be assigned to him by vote of the House of Delegates or of the Executive Board.

Section 3. The Second Vice-President shall perform the duties of the President in case of his absence or inability to act, if the First Vice-President cannot do so due to his own absence or inability to act. He shall discharge such other duties as may be assigned to him by vote of the House of Delegates or of the Executive Board.

Section 4. The Third Vice-President shall perform the duties of the President in case of his absence or inability to act, if neither the First Vice-President nor the Second Vice-President can do so due to their own absence or inability to act. He shall discharge such other duties as may be assigned to him by vote of the House of Delegates or of the Executive Board.

Section 5. The Secretary of the United States Olympic Committee shall also be the Secretary of the Executive Board and of the Administrative Committee. He shall keep the seal and records of the United States Olympic Committee, supervise the taking of minutes, attend to the publication of official reports, attest documents, and perform such other functions as usually pertain to his office. He shall be a member or chairman of the Committee on Credentials and of the Committee on Membership, and he shall discharge such other duties as may be assigned to him by vote of the House of Delegates or of the Executive Board.

Section 6. The Treasurer shall have charge of the funds and books of account of the United States Olympic Committee. He shall receive and deposit the funds of the United States Olympic Committee in such bank or banks as shall be designated by or under authority of the Executive Board. He shall disburse such funds in the manner designated by or under the authority of the Executive Board. He shall render an annual financial report to the United States Olympic Committee and such special reports as may from time to time be called for by or under the authority of the Executive Board. He shall discharge such other duties as may be assigned to him by vote of the House of Delegates or of the Executive Board.

Section 7. All officers and employees handling funds of the United States Olympic Committee shall be bonded in such amounts as may be determined from time to time by the Executive Board or the Administrative Committee. The expense of furnishing such bonds shall be paid by the United States Olympic Committee.

Section 8. The accounts and financial reports of the Treasurer, and of any other person handling funds of the United States Olympic Committee, shall be audited by an

independent Certified Public Accountant selected by the Executive Board.

Section 9. The Administrative Committee collectively shall perform such other duties as are assigned to them by the Constitution and By-Laws or by vote of the Executive Board.

CHAPTER II—Executive Board

Section 1. The Executive Board shall meet and proceed with the performance of its duties immediately following the adjournment of the Quadrennial Meeting at which it shall have been elected.

Section 2. If for good cause shown to the satisfaction of the Administrative Committee prior to the adjournment of the Quadrennial Meeting a member organization has been unable to present its nomination or nominations for the Executive Board, the House of Delegates by majority vote may grant a period within such member organization may submit such nomination or nominations.

Section 3. The Executive Board shall have the authority to approve or disapprove the nominations of the President for all standing and special committees of the United States Olympic Committee.

Section 4. The Executive Board shall determine how the funds of the United States Olympic Committee shall be received, deposited, and disbursed; and the procedures governing contracts related thereto.

Section 5. The Executive Board shall be the final authority in the making of policy and of specific decisions concerning funding support of and programs for development in Olympic sports, methods for selection and training of representatives of the United States and Pan American Games, the organization and promotion of tryouts related thereto, the number of authorized persons comprising the United States' official delegations at such Games and the appointment of individuals thereto, and regulations for such delegations during the Games and during periods of travel to and from the Games. The Board shall have full power to enforce its policies and decisions in these respects by appropriate disciplinary action against any person guilty of any violation thereof.

CHAPTER III—Meetings

Section 1. Meetings of the Executive Board or the Administrative Committee may be called by the President, directly or through the Executive Director, on fifteen (15) days written notice to each member, and must be called by the President or Executive Director when asked for by a majority of the members of the Board or of the Committee.

Section 2. Special meetings of the Administrative Committee may be called by the President, directly or through the Executive Director, on not less than three (3) days notice by suitable means to each member thereof.

Section 3. At all meetings of the House of Delegates, the Executive Board, the Administrative Committee, all standing or special committees, and any sub-committees thereof, the order of business shall be:

1. Reading the call for the meeting.
2. Report of Committee on Credentials (for House of Delegates meetings), or calling the roll (for other meetings).

3. Reading of minutes of previous meetings, except that such reading may be dispensed with by a majority vote; provided, however, that any part of such minutes must be read if subsequently called for in connection with any matter under discussion before such meeting.

4. Reports of officers and committees.

5. Unfinished business.

6. Election or appointment of new members or delegates or representatives (if any).

8. New business.

9. Adjournment.

Section 4. Questions of order shall be decided by the chair. Decisions by the chair may be appealed to the assembly.

CHAPTER IV—The Counselor

Section 1. The Counselor shall be charged with the defense of all claims and demands against the United States Olympic Committee and the protection of its legal rights and privileges, granted by Act of Congress or otherwise. He may be reimbursed for expenses and disbursements incurred in the performance of his services.

Section 2. The Counselor shall be a member of the Committee on Legislation and shall discharge such other duties as may be assigned to him by the House of Delegates or by the Executive Board.

Section 3. The Executive Board or the Administrative Committee may, upon the recommendation of the President, appoint associate counsel who shall serve without compensation except in such cases as the Executive Board may authorize otherwise.

CHAPTER V—The Chief of Mission and the Attache

Section 1. The Executive Board shall appoint a Chief of Mission who shall function as the liaison officer between the Organizing Committee for the Olympic and Pan American Games and the members of the United States official delegation at the site of the Games.

Section 2. The Executive Board shall also appoint an Attache at the site of the Games, to serve as a liaison officer between the Organizing Committee and the United States Olympic Committee for the period prior to the arrival of the United States official delegation, and to assist the Chief of Mission thereafter until the conclusion of the Games.

CHAPTER VI—The Executive Director

Section 1. The Executive Director shall be in full charge of the headquarters office or "Olympic House" and of all facilities for the participation of the United States in the Olympic and Pan American Games or otherwise. He shall direct staff services and operations at the site of the Games and administer the policies and procedures established by the Games Preparation Committee.

Section 2. Under the direction of the Administrative Committee, and subject to the policies of the Executive Board, the Executive Director shall be responsible for the administration and coordination of all the fund-raising programs of the United States Olympic Committee of whatever nature.

Section 3. The Executive Director shall receive all correspondence addressed to the United States Olympic Committee, including applications for the use of the word "Olympic" or "Olympiad" or for the use of the Olympic emblem. He shall assemble, for the use of the United States Olympic Committee and for retention in its files, the available data concerning the origin and history of the Olympic or Pan American Games, statistics related thereto, reports concerning the participation of the United States therein, reports and regulations of the International Olympic Committee and the international sports federations recognized by the International Olympic Committee and such further data as may be deemed useful. He shall discharge such other duties as are assigned to him by the Executive Board or the Administrative Committee.

Section 4. The Executive Director shall submit an annual operating budget to the Budget and Audit Committee for presentation to and approval by the Executive Board. With the approval of the Administrative Committee, he shall nominate, for appointment by the Board, the chief assistants he may require for the efficient performance of his duties. He may also, within the limits provided in the budget, employ such clerical and other assistants, and make such other disbursements as from time to time may be necessary.

Section 5. The Executive Director shall have authority to enter into ordinary operational contracts as well as to negotiate and execute, on behalf of the United States Olympic Committee, any contract authorized by the President. All extraordinary contracts, including major television and radio broadcasting agreements, shall be referred to the Counselor of the United States Olympic Committee for review and, if so recommended by the Counselor, shall be submitted for approval by the Administrative Committee or the Executive Board, as the case may be.

Section 6. The Executive Director shall make a written or printed report on the activities of the United States Olympic Committee and the participation of the United States in the Olympic Games and the Pan American Games not later than thirty (30) days prior to the next Quadrennial Meeting.

CHAPTER VII—Investment Committee

Section 1. The Investment Committee shall investigate all matters pertaining to the investment of the funds of the United States Olympic Committee, and shall make recommendations concerning such investments to the Administrative Committee of the United States Olympic Committee.

Section 2. The Investment Committee, after consultation with the Administrative Committee may issue appropriate orders for the purchase or sale of securities by the Investment Committee in the name of the United States Olympic Committee and for its account.

CHAPTER VIII—Development Committee

Section 1. The Development Committee shall advise and assist the Executive Board in all matters concerning the long-range development of Olympic sports in the United States. The Committee shall coordinate the development activities of and shall maintain close liaison with and work through the national governing bodies in their similar endeavors.

Section 2. All requests for United States Olympic Committee financial support of development projects shall be submitted to the Development Committee by the appropriate national sports governing body.

Section 3. The Committee on Development shall consist of a Chairman, nine (9) individuals representing sports from Group A, one (1) individual representing Group B and at least 20% individuals who have been competing athletes of a United States national team in the Olympic or Pan American Games or other major international amateur competition within the preceding ten (10) years. The membership of the Committee, shall be composed of representatives from each category of development as stated in the General Rules.

Section 4. a) The Committee will not allow substitutes for Committee members at any of its meetings. The Committee may invite to its meeting one or more representatives from organizations for the purpose of eliciting or exchanging information related to the work of the Committee.

b) A quorum for the transaction of business shall consist of a majority of the total membership of the Committee and action can be enacted by a vote of the majority of that quorum.

c) The Committee shall have the power to transact its own business by mail or telegraph if, in the judgment of the Chairman, the urgency of the case requires such action. Such action will require a majority vote of the entire Committee.

Section 5. At the commencement of each Quadrennial, the Committee shall conduct a survey for the purpose of classifying each sport, discipline, and event, on the Olympic and Pan American programs in one of three categories—"developed", "emerging", or "underdeveloped"—according to the extent to which the sport presently has an adequate pool of world class athletes capable of representing the United States in the Olympic and Pan American Games. The classification of the various sports by the Committee shall be subject to the review and approval of the Executive Board.

Section 6. a) The Committee, shall, by allocating those United States Olympic Committee development funds (appropriated by the Executive Board) to the National Governing Bodies among sports, disciplines, and events within disciplines and through other steps as may be deemed appropriate, foster the long-term development and maintenance in cooperation with National Governing Bodies and other organizations, of an adequate pool of world class athletes from which may be selected competent representatives of the United States in such games. Preference shall be made to assist those sports, disciplines, and events within sports that to date have not demonstrated the ability to compete on a world class level.

(1) The Committee will establish procedures for the National Governing Bodies to follow in their submission of development requests. Requirements are outlined in the General Rules.

(2) The Committee shall review each National Governing Body's proposal individually on the basis of each proposal's organizational merits as related to the implementation of Article XXI, Section 2, Sub-Section (a) of the United States Olympic Committee Constitution. It is recognized that implementation plans for development of an adequate pool of world class athletes will vary in form and content respective to each sport's level of development.

- (3) The Committee shall allocate funds in accordance with programs identified by National Governing Bodies that will insure an adequate pool of world class athletes for Olympic and Pan American competitions. Guidelines will be provided by the Committee for use in the presentation of the National Governing Bodies funding requests. If areas of development within the National Governing Bodies are deficient, the Committee shall offer recommendations to create the necessary mechanisms for meeting the guidelines for development fund allocations.
 - (4) The Committee shall develop and implement a system for rating each sport's or discipline's events level of development consistent with the procedures outlined above in order to allocate funds.
 - (5) The Committee shall hold each National Governing Body accountable for reasonable proposals, goals, and objectives and make subsequent funding contingent on the attainment of said reasonable proposals, goals and objectives.
 - (6) The Committee to ensure a continuity of programs through the succeeding quadrennial, will allocate funds appropriated in a current quadrennial to the National Governing Bodies for use during the initial period of the following quadrennial prior to the establishment of the new Committee on Development.
- b) The Committee shall ascertain through appropriate methods which sports, disciplines and events have the greatest need for additional or improved physical facilities. The Committee shall coordinate this information with the National Training Centers and Games Site Committee in furthering the development of training facilities.
 - c) The Committee shall also ascertain, through appropriate means, those sports, disciplines and events on the Olympic and Pan American programs which have the greatest need for the upgrading of coaching skills. Thereafter, the Committee shall actively work to achieve the upgrading of coaching skills in the various sports according to the priorities it has established.
 - d) The Committee shall report its progress in carrying out its responsibilities at each meeting of the Executive Board and House of Delegates.

CHAPTER IX—Games Preparation Committee

Section 1. The Games Preparation Committee shall advise and assist the Executive Board in all matters concerning the selection and participation of the United States athletes and team officials in the Olympic and Pan American Games.

Section 2. The Games Preparation Committee shall evaluate the performance of each National Sports Governing Body in matters concerning the Olympic and Pan American Games; and shall make periodic reports to the Executive Board with such recommendations for improvement as may be appropriate. In order to perform these functions, the Games Preparation Committee shall be entitled to designate one of its members as an observer at the meeting of each National Sports Governing Body to receive a copy of the minutes of meetings, and to take notice of any other action taken by such sports governing body.

Section 3. At least twelve months in advance of the opening date of each Olympic or Pan American Games, after preliminary consultation with each of the National Sports Governing Bodies involved, the Games Preparation Committee shall prepare a personnel chart for consideration and approval of the Executive Board. This chart shall outline the proposed make-up of the official delegation of the United States to such Games and indicate the maximum number of competitors and team officials (including any international officials that may be required by the rules of the International Sports Federations) in each sport in which the United States plans to compete. This maximum shall not exceed the limit established by the International Sports Federations, or the Organizing Committee.

Section 4. After adoption of the personnel chart by the Executive Board, all requests for changes therein shall be referred to the Games Preparation Committee for review and recommendations prior to consideration by the Board. As a matter of practice, once the maximum number of team officials or administrative personnel allowed by the International Olympic Committee has been approved by the Board, any recommendations for additional team officials or administrative shall be accompanied by a compensating reduction.

Section 5. The Games Preparation Committee shall coordinate all final tryouts in the various sports and shall submit for approval of the Executive Board its recommendations concerning the site, program, sponsorship, and financial arrangements for such tryouts as provided by the General Rules.

Section 6. The Games Preparation Committee shall coordinate the screening of candidates for positions as team officials in the categories of technical and auxiliary staff, under International Olympic Committee Rule 40, and shall where appropriate make recommendations thereon to the Executive Board prior to the appointment of such personnel, as provided by the General Rules.

Section 7. Except as otherwise provided in the By-Laws and General Rules, each National Sports Governing Body shall determine, subject to coordination by the Games Preparation Committee and to the approval of the Executive Board, the schedule of tryouts or other competitions for the selection of athletes to represent the United States in a particular sport of event on the Olympic or Pan American Games program; the method of such selection; and the persons to be nominated for final appointment to the official delegation of the United States as competitors, managers, coaches, and auxiliary personnel.

Section 8. When the arrangements for tryouts, particularly final tryouts, involve more than one sport or event, directly or indirectly, the Games Preparation Committee shall have special responsibility for coordinating the activities of the Sports Governing Bodies involved therein, and for making appropriate recommendations to the Executive Board. In the event of unwillingness of a National Sports Governing Body to accept an adverse decision of the Games Preparation Committee, the Games Preparation Committee may appeal to the Executive Board whose decision by majority vote of those present shall be final.

CHAPTER X—Standing and Special Committees

Section 1. The chairman and members of standing and special committees shall be appointed by the President with the approval of the Executive Board. The term of standing committees shall run until the Quadrennial Meeting of the United States Olympic Committee succeeding their appointment or until the appointment of their successors. The term of all special committees shall expire upon the completion of their work and acceptance of their reports, or upon the discharge of such committees from the consideration of the matters committed to them.

Section 2. All standing and special committees, unless otherwise required by the Constitution or By-Laws of the United States Olympic Committee, or by vote of the Executive Board, shall determine their own rules of procedure, including reasonable notification of meetings and the taking of votes of absent members by mail or telegraph.

Section 3. Absence of a standing or special committee member, without adequate excuse, from two or more consecutive meetings may be construed as his resignation from such committee by majority vote of the other members of the committee.

Section 4. Vacancies in all standing committees may be filled immediately by the President on an interim basis, subject to subsequent ratification by the Executive Board.

Section 5. The Committee on Legislation shall be charged with the duty of reviewing all proposals for amendment to the Constitution, By-Laws or General Rules of the United States Olympic Committee, and of making a report thereon, with recommendations both as to substance and as to form to the Executive Board and to the House of Delegates. The Counselor of the United States Olympic Committee shall be a member of this Committee.

Section 6. The Committee on Membership shall receive and investigate all applications for membership in the United States Olympic Committee, and shall make a report thereon, with recommendations for approval or rejection, to the Executive Board and to the House of Delegates. The Secretary of the United States Olympic Committee shall be a member of this Committee.

Section 7. The Committee on Eligibility shall be charged with the responsibility of overseeing compliance by the several National Sports Governing Bodies, and by the individual athletes selected to represent the United States at the Olympic or Pan American Games, with the international rules of eligibility as defined by the International Olympic Committee and the Pan American Sports Organization. It shall recommend to the Executive Board such action as it deems desirable to reconcile or adjudicate any differences or conflicts that may exist between these rules and those applied by the international federations and the United States National Sports Governing Bodies, including proposals that should be made to the International Olympic Committee or Pan American Sports Organization for reform of the basic international amateur code whenever appropriate.

Section 8. The Committee on Finance shall be responsible, in collaboration with the Executive Director as provided in Chapter VI, Section 2, for developing and administering plans and procedures on a national and regional basis for the raising of funds from the general public necessary to finance the operations of the United States Olympic Committee and the participation of the United States delegation at the Olympic and Pan American Games.

Section 9. The Team Services Committee on Apparel, Supplies and Equipment shall include at least two male and two female members who have been recent Olympic competitors, and in consultation with the Games Preparation Committee, shall be charged with the responsibility for supplying all members of the official delegation of the United States to the Olympic or Pan American Games with travel, leisure and parade apparel, as well as competitive gear and equipment for athletes. The Committee may also provide the special uniform to be issued to other United States citizens attending the Games in an official capacity, but not as members of the United States official delegation. At the site of the Games, the Committee shall supervise the final distribution of supplies and equipment.

Section 10. The Team Services Committee on Food and Housing, in consultation with the Games Preparation Committee, shall be charged with the responsibility for food and housing for members of official delegation of the United States to the Olympic or Pan American Games, shall supervise such services as room assignments, dining schedules, menus, etc., and shall make a daily accounting for charges and payments for food and housing accommodations for the official delegation, and shall make arrangements for laundry, cleaning, towel exchange, and similar matters.

Section 11. The Team Services Committee on Transportation, in consultation with the Games Preparation Committee, shall be charged with the responsibility for making the necessary arrangements, directly or through an approved travel agent, for all travel and transportation of members of the United States official delegation to training or assembly points in the United States, to and from the site of the Games, and to their homes or other final destination. At the site of the Games, the Committee shall supervise or provide adequate transportation facilities for members of the official delegation.

Section 12. The Team Services Committee on Ticket Services, in consultation with the Games Preparation Committee, shall be responsible, in collaboration with the Organizing Committee of the Olympic or Pan American Games, for coordinating the assignment and distribution of admission tickets to the Games among members of the United States official delegation and other persons, such as members of the Executive Board and National Sports Governing Bodies, who may be attending the Games in an official capacity. The Committee may, in addition, upon request of the Organizing Committee, assist in the formulation of policies with regard to the public sale and distribution, within the United States, of admission tickets to the Games.

Section 13. The Team Services Committee on Medical and Training Services, in consultation with the Games Preparation Committee and Sports Medicine Committee, shall ascertain the needs of the various sports on the Olympic or Pan American program for the services of physicians, nurses, and trainers, and shall make appropriate recommendations to the Executive Board for the appointment of such personnel to the official delegation. The Committee shall recommend to the National Governing Bodies the policies that should govern training methods and medical attention for athletes and team officials.

CHAPTER XI—Internal Hearing Procedure

Section 1. In the event that a complaint is filed with the United States Olympic Committee alleging a violation of any provision of the United States Olympic Committee Constitution, By-Laws or General Rules the following rules of procedure shall govern the conduct of all hearings conducted to inquire into and adjudicate such claim.

Section 2. Any complaint alleging a violation of the United States Olympic Committee Constitution, By-Laws or General Rules shall be in writing, signed under oath by the individual or the chief executive officer of the group or organization making such claim and shall be filed with the Executive Director of the United States Olympic Committee, with a copy thereof to be served by certified mail on the respondent and all interested parties. An answer to the complaint responding to the factual allegations thereof shall be filed by the respondent with the Executive Director of the United States Olympic Committee, with a copy thereof to be served by certified mail on the complainant and all interested parties.

Section 3. Such complaint shall allege with particularity each claimed violation of the United States Olympic Committee Constitution, By-Laws or General Rules by reference to specific sections thereof and will state in concise language how, when, and where the alleged violation occurred. The factual allegations shall be set forth in numbered paragraphs, each paragraph containing a single factual allegation. The answer shall admit or deny the allegations of each separately numbered paragraph of the complaint. If the respondent is without sufficient knowledge of a given factual allegation to admit or deny it, he may so respond and leave the complainant to his proof thereof.

Section 4. Upon receipt of such a complaint, the Executive Director of the United States Olympic Committee shall forthwith refer the complaint to the Administrative Committee of the United States Olympic Committee. The Administrative Committee shall expeditiously appoint a hearing panel of at least three (3) and not more than five (5) members of the Executive Board of the United States Olympic Committee, none of whom shall have an interest in the subject matter of the complaint, to hear evidence on the complaint, to make findings of fact and to adjudicate the issues raised by such complaint.

Section 5. At any hearing conducted pursuant to Section 4 above, all interested parties shall have the right to counsel, to present evidence in support of the complaint or answer thereto, to cross-examine witnesses and to present such factual or legal claims as will support their respective positions. The proceedings shall be stenographically recorded and a verbatim transcript thereof made available to each interested party upon request and payment therefor. The rules of evidence shall not be strictly enforced and those rules of evidence generally accepted in administrative proceedings shall be applicable.

Section 6. The burden of proof and the burden of going forward with evidence shall be upon the complainant. Upon completion of the presentation of the complainant's evidence, the respondent may move to dismiss the complaint for failure of the complainant to sustain his burden of proof. If such motion to dismiss is denied, the respondent will then be offered the opportunity to present evidence in support of his position.

Section 7. The hearing panel shall expeditiously conduct its hearing, shall make its findings of fact and conclusions in a timely fashion and shall make its report to the Administrative Committee of the United States Olympic Committee. The Administrative Committee shall immediately issue the report of the hearing panel to all interested parties.

CHAPTER XII—Relations With National Sports Governing Bodies

The National Sports Governing Body for each sport of the Olympic and Pan American Program, subject to the procedures set forth in the General Rules has the authority and responsibility to:

Section 1. Establish an operating procedure within the National Sports Governing Body to insure continuity of Olympic and Pan American programs for the quadrennial period.

Section 2. Establish a written procedure to select athletes for the Olympic and/or Pan American team that shall be disseminated widely.

Section 3. Select site(s) and date(s) to qualify athletes for the Olympic and/or Pan American teams.

Section 4. Nominate for appointment by the Executive Board of the United States Olympic Committee those coaches, managers and other team officials for the Olympic and/or Pan American teams.

Section 5. Recommend a plan for training Olympic and/or Pan American team members.

Section 6. Establish a program for the development of its sport.

Section 7. Formulate and present budgets for development, team preparation, team selection, and sports liaison expenses.

Section 8. Recommend a program for the use of the United States Olympic Committee Training Centers.

Section 9. Screen and recommend athletes for participation in the United States Olympic Committee Job Opportunities Program.

Section 10. Recommend athletes for consideration of awards under the United States Olympic Committee Medical Scholarship Program.

Section 11. Nominate in writing persons for appointment to standing committees of the United States Olympic Committee.

Section 12. Prepare the requirements of its sport for submission to the Team Services Committee in each of the following areas to service the Olympic and Pan American Teams:

- (a) Medical and Training Services
- (b) Transportation
- (c) Food and Housing
- (d) Tickets
- (e) Apparel, Supplies and Equipment

Section 13. Participate in the international federation activities of its sport and to carry out those responsibilities required by the respective international federations.

Section 14. Disseminate to its members athletes information relating to its sport.

Section 15. Present to the United States Olympic Committee the organizational structure within the National Sports Governing Body designated to carry out its Olympic and Pan American Games responsibilities.

Section 16. Authorize or approve all programs prior to submission by its liaison representatives to the United States Olympic Committee for review and approval.

CHAPTER XIII—Election Of Members To Athletes' Advisory Council

Section 1. Each National Sports Governing Body shall adopt a procedure whereby eligible athletes shall elect an active athlete(s) to represent the sport on the Athletes' Advisory Council at least thirty (30) days prior to the Quadrennial Meeting of the House of Delegates. An "active athlete" within the meaning of this By-Law shall mean an individual who shall have represented the United States in the Olympic or Pan American Games or in other major international amateur competition in the particular sport being represented within the preceding ten (10) years. The National Governing Body shall forward the name of the elected athlete(s) representing that sport to the Executive Director of the United States Olympic Committee.

Section 2. The Athletes' Advisory Council shall hold a meeting within a period of forty-five (45) days prior to all scheduled meetings of the Executive Board.

Section 3. Six (6) active athletes shall be elected by the Athletes' Advisory Council, at the meeting immediately preceding the Quadrennial Meeting of the United States Olympic Committee, to serve as directors of the Executive Board.

CHAPTER XIV—Conflict of Interest

Any individual representing the United States Olympic Committee or a National Governing Body shall not participate in the evaluation or approval of a contract with a supplier to furnish goods or provide services to the United States Olympic Committee if that individual will directly or indirectly benefit financially or otherwise receive any form of compensation from or have an interest in any supplier under consideration. In the event of a violation of this provision, the United States Olympic Committee shall have the right to recover such benefit or payment and to avoid the contract or transaction.

CHAPTER XV—Amendments To By-Laws

Section 1. The By-Laws may be amended as provided by Article XI of the United States Olympic Committee Constitution.

Section 2. All proposed amendments must be submitted by the Executive Director in writing at least thirty (30) days before the meeting of the Executive Board, and all such proposed amendments shall be mailed by the Executive Director to each member of the Executive Board not later than fifteen (15) days before the date of the meeting at which they are to be

considered. Except for such proposed amendments as are so distributed, no other amendment shall be considered unless the same goes to the form and not to the substance thereof. Nevertheless, if more than one amendment has been proposed on the same subject matter, and there are substantive differences between such amendments, the meeting may, after due consideration of such proposals, adopt a compromise of substance as well as form; and if the adoption of an amendment as proposed or amended or compromised is inconsistent or in conflict with other parts of the Constitution, By-Laws or General Rules, the meeting may adopt conforming amendments appropriate in the case.

Section 3. Where applicable, personal provisions appearing in the Constitution, By-Laws or General Rules that refer to either gender shall be considered interchangeable as the context requires or permits.



GENERAL RULES

PART I—RULES FOR NATIONAL SPORTS GOVERNING BODIES

RULE 1. General Powers and Duties

(a) Each National Sports Governing Body subject to the policy directives and procedures prescribed by the Executive Board and to coordination by the Games Preparation Committee, shall have the authority and the duty to devise and determine the method of selecting athletes and team officials (coaches, managers, etc.) who will be recommended to the Executive Board for appointment to the team that will represent the United States in the particular sport or event of the Pan American or Olympic Games.

(b) Each National Sports Governing Body, within fifteen (15) months after the Quadrennial Meeting of the House of Delegates, shall submit to the Games Preparation Committee, for review and report to the Executive Board, a written proposal concerning the participation of the United States in the particular sport or event of the forthcoming Pan American or Olympic Games. This proposal shall include the number of athletes and team officials to be nominated for appointment to the United States delegation for such Games; the procedures to be followed for preparing and conditioning candidates for the team; the program of tryouts and the method of selecting the athletes to be recommended for appointment to the team; the special requirements of the particular sport or event with respect to sports equipment and supplies, services of physicians and trainers, and such special personnel as authorized by the United States Olympic Committee; and any other matters that may be relevant for effective planning of the United States participation in the National Sports Governing Body's particular sport or event. Each National Sports Governing Body shall be given timely notice with respect to the recommendations for approval, modification or rejection of specific items in its proposal to be made by the Games Preparation Committee to the Executive Board. If a National Governing Body is unwilling to accept an adverse recommendation of the Games Preparation Committee, it may appeal in writing to the Executive Board whose decision by a majority vote of the members present shall be final.

(c) Each National Sports Governing Body shall put into effect the plan approved by the Executive Board for participation of the United States in its particular sport or event in the forthcoming Pan American or Olympic Games. The National Sports Governing Body shall, as early as practicable in accordance with the plan, announce the method of selecting the athletes to be recommended for appointment to the team, shall establish the times and places of tryouts therefor, and shall perform whatever other duties may be indicated under the plan as approved by the Executive Board.

(d) Each National Sports Governing Body, subject to the By-Laws and General Rules, shall make appropriate contractual or other arrangements for holding such local or regional, preliminary or semi-final tryouts, as may be necessary under the plan approved by the Executive Board. Arrangements for final tryouts shall in all cases be cleared specifically with the Games Preparation Committee.

(e) Each National Sports Governing Body, at least twelve (12) months prior to the date of the final tryouts, shall submit for review by the Games Preparation Committee its list of eligible persons (not less than two (2), nor more than five (5), for each authorized position) from which it is proposed to select team officials in its particular sport or event to be recommended for appointment by the Executive Board. The Games Preparation Committee, after such investigation and further consultation with each National Sports Governing Body as it deems appropriate, may recommend approval or rejection of any and all names on such lists. In the event a name is recommended for rejection, the National Sports Governing Body may submit a new nomination, or it may appeal to the Executive Board, whose decision by a majority of the members present shall be final.

(f) Each National Sports Governing Body shall have the authority and the duty to propose to the Executive Board, through the Committee on Development, a long-range plan for the improvement of United States participation in the particular sport or event of the Pan American or Olympic Games; and to assist in the implementation of such a plan upon approval thereof by the Executive Board.

(g) Each National Sports Governing Body shall cooperate in every way possible with the Executive Board and the Executive Director of the United States Olympic Committee in preventing the unauthorized use of the name and trademarks of the United States Olympic Committee, or the word Olympic and its derivatives as well as symbolic equivalent thereof, or the United States Olympic Emblem as described in Public Law 805. (36 U.S.C. 379)

RULE 2. Tryouts and Team Selection

(a) No athlete shall be recommended for appointment to the United States Olympic or Pan American Team unless the athlete has won the right thereto according to the approved method of selection for the particular sport or event, and has passed the required medical examination.

(b) Subject to the General Rules and the decisions of the Executive Board, each National Sports Governing Body may organize tryouts, or by agreement in writing grant permission to a local or regional or national organization to conduct special tryouts, or by agreement in writing designate established regional or national championships as Olympic or Pan American tryouts for its particular sport or event. All agreements shall comply with the financial regulations in the General Rules.

(c) No competition shall be designated as an Olympic or Pan American tryout in a particular sport or event except by specific authority of the appropriate National Sports Governing Body pursuant to these General Rules and the decisions of the Executive Board.

(d) All agreements for Olympic and Pan American tryouts shall be executed in triplicate by the national Sports Governing Body and Executive Director of the United States Olympic Committee on forms approved by the Executive Board.

(e) Any tryouts organized directly or indirectly under authority of any National Sports Governing Body shall be open only to athletes who are citizens of the United States at the time of selection, eligible under international rules for selection for membership on the United States Olympic or Pan American Team.

(f) The entire net income of all tryouts shall be paid into the Olympic Fund, unless specific exception is made by the Executive Board on the recommendation of the Executive Director. When permission is granted by the National Sports Governing Body to a local, regional or national organization to conduct tryouts, the said organization shall guarantee the entire expenses thereof. No part of the expense of the event shall be charged against the United States Olympic Committee or any of its funds.

(g) When a National Sports Governing Body regional or national championship is designated as an Olympic or Pan American tryout, the agreement shall specify the method of sharing the proceeds between the organization sponsoring the event and the United States Olympic Committee, and shall be submitted for specific approval of the Executive Director pursuant to general policies laid down by the Executive Board.

(h) Every competitor in any Olympic or Pan American tryout shall file an entry blank on an official form supplied by the Executive Director to the Executive Officer of the National Sports Governing Body concerned.

(i) No prizes or gifts shall be awarded to competitors or officials participating in Olympic or Pan American tryouts except as provided herein. When National Sports Governing Body championship events are designated as Olympic or Pan American tryouts, the traditional prizes emblematic of such championships may be awarded. The winners of first, second and third places in any preliminary, regional, semi-final and final tryout, as well as other events conducted for the benefit of the Olympic fund, may receive appropriate certificates designed for distribution.

(j) Each National Sports Governing Body shall receive from the Committee on Apparel, Supplies and Equipment, before the final tryouts, measurement blanks for team officials and successful competitors and shall complete and return these blanks as expeditiously as possible after the final tryout. All athletes and officials who are members of Olympic and Pan American Teams, shall, during all Olympic and Pan American ceremonies, wear or use the official uniforms and equipment issued to them by the Committee on Apparel, Supplies and Equipment, unless special exception to this rule has been granted by the Secretary General and/or the Chief of Mission of the United States Olympic Committee upon a showing by an athlete that the wearing or use of such uniform or equipment will be detrimental to the competitor's performance.

(k) All tryouts and team selections shall be completed at least thirty (30) days in advance of the team's departure for the scene of the Games.

(l) A meeting of athletes and officials shall be held by the head manager of the team to:

(1) Explain to team members their relationship to the United States Olympic Committee;

(2) Outline the provisions made for their welfare and comfort;

(3) Make clear to them their obligation to the United States Olympic Committee, to sport, and to their country;

(4) Distribute the "Competitors' Handbook;" and

(5) Obtain signatures of team personnel to releases and agreements, missing measurements for uniforms, required photographs, and comply with other conditions enumerated in the "Handbook."

(m) Once the personnel of the United States Team have been selected on the basis of tryouts, no substitution shall be made except in accordance with selection procedures previously approved by the United States Olympic Committee Executive Board.

RULE 3. Selection of Team Officials

(a) Each National Sports Governing Body, subject to review by the Games Preparation Committee, shall have the authority and duty to recommend to the Executive Board the appointment of team officials, as defined in Rule 40 of the International Olympic Committee for its particular sport or event in the categories of administrative staff and technical staff. The Committee on Medical and Training Services shall recommend the general team officials in the category of medical staff as indicated in International Olympic Committee Rule 40. The number of such team officials recommended for appointment shall not exceed the maximum provided in the personnel chart approved by the Executive Board for the Olympic or Pan American Games.

(b) All persons recommended for appointment as team officials shall be citizens of the United States, carefully chosen with regard for their character, tact, diplomacy, judgment, sense of responsibility, knowledge of their respective sports and other special qualifications. They shall be informed that they cannot receive payment from the United States Olympic Committee for their services.

(c) No one shall be recommended for appointment as a team official in the indicated categories who does not agree to devote all necessary time and attention to the performance of his designated duties, to travel with the team to and from the Games; and to live during the Games at the place designated by or under authority of the Executive Board.

(d) The designated duties of team officials shall include not only those that normally attach to the title of their principal assignment, but also such auxiliary duties as may be required of them from time to time. Team officials whose teams have completed their competition at the site of the Games may expect assignment to administrative duties.

(e) Appointment as a team official(s) may be revoked at any time on recommendation of the Games Preparation Committee to the Executive Board, or at the Games' site by the United States Olympic Committee officers present, if it appears that the official has failed to perform his/her assigned duties satisfactorily.

RULE 4. Financial Regulations

(a) The name of the United States Olympic Committee or the word "Olympic" and its derivatives, or the Olympic emblem may not be used for any purpose, including fund raising, without the specific written approval of the United States Olympic Committee. Applications for permission for such use shall be addressed to the Executive Director of the United States Olympic Committee.

(b) All funds raised where the word "Olympic" or a derivative thereof is used in any connection shall belong to the Olympic fund and shall be accounted for accordingly. The use of the word "Olympic" or a derivative thereof in raising funds to send individuals to the Olympic or Pan American Games who are not members of the official delegation, as defined in the General Rules, constitutes a fraudulent representation in violation of Section 9 of Public Law 805 and is punishable as a misdemeanor.

(c) Members of National Sports Governing Bodies or of other organizations cooperating with the United States Olympic Committee in raising of funds from any source, shall turn over such funds to the Treasurer of the United States Olympic Committee as promptly as possible. Funds collected over a continuous period of time shall be forwarded to the Treasurer at least once a month, and in the sixty (60) days prior to the Olympic or Pan American Games at least once a week, with a detailed report indicating sources, amounts and purposes.

(d) The Executive Board, on the advice of the Counselor, shall approve suitable contract forms for the administration of the various Olympic or Pan American tryouts and other authorized benefits. Each contract for a tryout shall be made in triplicate and shall specify the types of expenses that may legitimately be charged, the desirable administrative procedures, minimum guarantee, adequate accounting, and careful fixing of local financial responsibility. Whenever possible, guarantees shall be by surety bonds. One copy of each contract shall be filed with the Executive Director; one shall be retained by the National Sports Governing Body; and the third by the organization sponsoring the tryout. The National Sports Governing Body shall submit to the Games Preparation Committee, through the Executive Director, a detailed and certified statement of receipts and disbursements.

(e) No National Sports Governing Body shall incur any financial obligation on behalf of the United States Olympic Committee without first obtaining approval from the Executive Board.

PART II—

RULES FOR TEAM PERSONNEL

RULE 5. Official Delegation

(a) The official delegation for any Olympic or Pan American Games shall be limited to athletes, authorized team officials, and those accredited international officials included in the personnel chart approved by the Executive Board traveling at the expense of the United States Olympic Committee. Only members of the official delegation may wear the official uniform. All members of the official delegation shall be citizens of the United States who are not under a present disability with respect to the exercise of their civil rights.

(b) Members of the Executive Board or of National Sports Governing Bodies, and other United States citizens who attend the Games as international officials (other than those included in the preceding paragraph) or members of juries or delegates to congresses of International Sports Federations, or representatives of the press or radio or television, are not members of the official delegation and may not wear the official uniform. They may, however, be provided with a special uniform and/or appropriate insignia selected by the Committee on Apparel, Supplies and Equipment to indicate their affiliation with the United States team, and upon acceptance of such uniform shall be subject to the jurisdiction of the United States Olympic Committee for the duration of the Games.

(c) Neither the United States Olympic Committee nor any of its committees or staff shall be under any obligation to make travel arrangements of hotel reservations, or purchase admission tickets to the Olympic or Pan American Games for persons attending the Games in an official capacity but not included in the official delegation or for relatives and friends of members of the official delegation, or for the general public. If arrangements with the Organizing Committee permit the United States Olympic Committee to render incidental assistance to persons, such as members of the Executive Board or of National Sports Governing Bodies, who may be attending the Games in an official capacity, or to relatives of team members, the Ticket Services Committee will make appropriate announcement of the general terms, conditions and limitations under which such assistance may be available to such persons.

(d) The United States Olympic Committee shall assume responsibility for transportation, equipment, housing, and living expenses of the Olympic or Pan American team from the time the athletes are assembled as a team until they are officially disbanded on their return to the United States.

(e) No contracts or obligations for expenses of any kind shall be made by any member of the official delegation without the authorization of the Secretary General of his designee.

RULE 6. Selected Competitors

(a) Every athlete for the United States Olympic or Pan American Team shall be furnished a "Competitors' Handbook" containing the basic information and regulations concerning the athlete's responsibilities as a member of the team, and:

- (1) Sign the Certificate of Agreement to abide by the regulations laid down in these rules for the management and conduct of the United States Olympic or Pan American Team.
- (2) Sign the Olympic or Pan American Eligibility Oath set forth in International Olympic Committee Rule 35.
- (3) Sign the United States Olympic Committee Medical Examination form.
- (4) Sign the United States Olympic Committee release required of members of the official delegation.

(b) Upon acceptance as a member of the United States Olympic or Pan American Team, an athlete shall:

- (1) Provide the necessary personal information for the official entry blank, including a certification (with international license number if applicable) of the athlete's membership in the United States sports governing body affiliated with the International Federation recognized by the International Olympic Committee as governing the athlete's sport (International Olympic Committee Rule 35).

(2) Provide photographs as required for passports, identification cards, and office reports.

(3) Report to the team assembly point with suitable personal gear for the trip.

(c) Upon the issue to a competitor of the Olympic or Pan American uniform and equipment, the athlete shall sign the following receipt:

"(1) It is agreed and understood by the undersigned that the uniforms and equipment provided to me by the United States Olympic Committee shall be returned by me if and when demanded for cause.

"(2) I agree not to use these uniforms or to permit them to be used in any way or at any time for advertising purposes or in connection with any professional sports enterprise or event.

"(3) I have received the following items of equipment:"
(Check list to be appended.)

RULE 7. Conduct of Team Personnel

(a) All members of the official delegation, and all persons to whom a special uniform has been issued to indicate their affiliation with the United States Team, shall be subject to the jurisdiction of the United States Olympic Committee and these General Rules. They shall conduct themselves at all times and in all places as befits worthy representatives of their country, and in conformity with the tradition of the Olympic and Pan American Games.

(b) Competitors shall be under the strict supervision of their managers and coaches. They shall maintain strict training while under the supervision of the United States Olympic Committee. They shall also conform to any special training rules set up for their respective teams.

(c) Any competitor who uses unauthorized devices or equipment, or who uses drugs, stimulants or other substances known and characterized as dope with the purpose or intent to improve performance by stimulation or elimination of sense of fatigue, or for any other purpose, shall be disqualified immediately upon discovery, and from further participation whether in tryouts or as a competitor in the Olympic or Pan American Games for life or for such shorter period of time as the United States Olympic Committee or National Sports Governing Body shall determine. Action with intent to violate this rule, whether successful or not, shall be sufficient to disqualify the competitor.

(d) Any person subject to the jurisdiction of the United States Olympic Committee who participates in the violation of the rule in the preceding paragraph by encouragement or consent communicated to the competitor, or by furnishing prohibited devices or substances, shall be subject to the same disqualification above set forth in respect of competitors.

(e) Any member of the official delegation who violates the customs, travel, or currency regulations of the country where the Olympic or Pan American Games are held, or who assists a stowaway in obtaining unauthorized transportation with the United States team or in violating the regulations of the Olympic or Pan American village, shall be liable to immediate dismissal from the team.

(f) No member of the official delegation or other person subject to the jurisdiction of the United States Olympic Committee shall engage in newspaper, magazine, radio or

television work for remuneration during the interval between selection and return of the team, or shall appear as a guest or participant on radio or television programs for remuneration, without the permission of the Secretary General.

(g) Prior to the departure of the official delegation to the Games, the Games Preparation Committee is authorized, directed and empowered to observe, investigate, hear evidence and determine the fact of violations of these rules of conduct, and to impose such penalties, including the dismissal from the team and disqualification, as may be appropriate in the circumstances. Appeals may be taken to the Executive Board if the offense was committed in the United States or on the return trip from the Games; or to the administrative board of the United States official delegation if the offense was committed en route to or at the site of the Games. Decisions on appeal shall be made by a majority of the votes cast and shall be final.

RULE 8. Managers and Coaches

(a) The team managers shall represent the teams in the various sports of the Olympic or Pan American Games and shall look after the interests and general welfare of the members of their team, including housing, food, transportation, uniforms, laundry and recreation. They shall also enforce the rules of discipline laid down by the United States Olympic Committee.

(b) The team manager shall represent their respective teams on all business between the individual members and the United States Olympic Committee.

(c) The coaches shall be primarily responsible for setting up the training program and practice schedule and for advising and coaching the team in the techniques, tactics and strategy of their competition. No coaching shall be permitted except by coaches officially approved by the Executive Board.

(d) Women managers and coaches may also serve as chaperones unless a separate chaperone has been provided for a particular sport or event.

RULE 9. Medical Care

(a) Medical care for the official delegation shall be provided exclusively by or under the supervision of personnel appointed by the Executive Board. The United States Olympic Committee shall accept no responsibility for the expense of medical care other than that provided or authorized by the official medical staff. Any irregularity or physical ailment or injury suffered by an athlete or team official shall be reported immediately to the team manager and the United States medical headquarters at the Olympic or Pan American Games.

(b) The head team physician or physicians shall be responsible for the medical care of all members of the official delegation. Team physicians shall conduct daily sick call, make arrangements for hospital and surgical care as needed, and supervise and coordinate the work of nurses and trainers. The decision of the head team physician shall be final in the matter of return of convalescent athletes to practice and competition. The head team physician shall be responsible for all public announcements for all injuries and illness.

(c) Nurses shall work under the direction of the team physicians and assist them in any way possible.

(d) The trainers shall be assigned to the various teams by the head team physician and the Secretary General. They shall keep accurate records of all injuries for which they give first aid. They shall refer all cases of injury and illness to the head team physician. When not occupied with the care of injuries and illness, trainers shall act as administrative assistants.

RULE 10. Administrative Regulations

(a) The members of the Games Preparation Committee together with the other members of the Executive Board available at the Games, the Counselor, the Secretary General, and the Chief of Mission, shall be the administrative board for the United States official delegation at the site of the Games. The group shall also function as an appeal board on matters involving policy, protocol, discipline and similar questions.

(b) The Chief of Mission shall be the liaison officer between the United States official delegation and the Organizing Committee at the site of the Olympic or Pan American Games. He shall obtain from the Organizing Committee all the identity cards, badges, commemorative medals, and such other items as may be provided for members of each national delegation to the Games. He shall receive all directives, invitations, information or requests from the Organizing Committee addressed to the United States Olympic Committee, its officers, administrative and team officials, and competitors. He shall present to the Organizing Committee all requests, complaints, inquiries, suggestions or information on behalf of the United States Olympic Committee or its officers or committees. He shall be assisted by an Attache appointed by the United States Olympic Committee prior to the Games for liaison with the Organizing Committee.

(c) Members of the official delegation shall consider the Olympic or Pan American dress uniform issued to them as their regular costume from the date of issue continuing until their return to the United States. Certain articles of clothing to be designated as part of the parade uniforms shall not be worn prior to the parade at the opening ceremonies unless special permission is granted by the administrative board. The Committee on Apparel, Supplies and Equipment through its chairman or representative shall be responsible for the acquisition, transportation, issue and alteration of all uniforms.

(d) All members of the official delegation at the Olympic or Pan American Games shall travel to and from the respective Games as a unit except in those instances where permission to do otherwise shall have been granted by the Games Preparation Committee. The Committee on Transportation shall arrange and supervise all team travel to and from the Games, and at the site of the Games.

(e) Only the Executive Board may authorize the designation of a commercial tour to the Olympic or Pan American Games as a travel arrangement sponsored or approved by, or cooperating with the United States Olympic Committee.

(f) All athletes and team officials shall be housed together at the Olympic or Pan American team village or other quarters provided at the site of the Games, and shall live and eat and remain together until their return to the United States, unless special permission to do otherwise is granted in writing by the Chairman of the Games Preparation Committee. The

Committee on Food and Housing shall be responsible for housing arrangements and room assignments, the issue and return of room keys, procurement of special food, supervision of meal service, and arrangements for special meals and box lunches.

(g) Team officials and athletes whose teams have completed their competition may expect assignments to administrative duties.

PART III—

MISCELLANEOUS RULES

RULE 11. Publicity and Reports

(a) All personnel attached to the Olympic or Pan American Teams shall obtain permission from the Secretary General or the Chief of Mission or Chairman of the Games Preparation Committee before entering into any agreements to perform commercial newspaper, magazine, radio or television work on matters relative to Olympic or Pan American activities at any time. They shall refer to the Secretary General for clearance on any material concerning Olympic or Pan American activity which they may prepare for publication or broadcast delivery.

(b) All publicity or public relations functions on behalf of the United States Olympic Committee or its Committees or the United States Olympic or Pan American Teams preferably shall be performed by or under direction of personnel appointed by the Administrative Committee prior to the Olympic or Pan American Games or by the Secretary General at the site of the Games.

RULE 12. Organization of Olympic and Pan American Games in United States

(a) The organization of Olympic and Pan American Games is governed by the rules of the International Olympic Committee and the Pan American Sports Organization.

Selection of the host cities for the Olympic Games shall be made in accordance with International Olympic Committee rules. The host cities for the Pan American Games shall be made in accordance with special provisions in Pan American Sports Organization rules.

(b) Any United States city interested in bidding for the privilege of organizing the Olympic or Pan American Games in the United States shall follow the procedures established by the United States Olympic Committee Executive Board.

RULE 13. Exceptions and Amendments to the Rules

(a) Exceptions to specific provisions of these General Rules, when considered in the best interest of the United States representation, may be made by a majority vote at any regular or special meeting of the Executive Board.

(b) These General Rules may be amended at any regular meeting of the Executive Board, or at a special meeting called for such purpose by a majority vote of votes cast by the Executive Board at such meeting and in accordance with the provisions in Article XI of the United States Olympic Committee Constitution.

(c) All proposed amendments shall be submitted to the Executive Director in writing at least thirty (30) days before the meeting of the Executive Board and shall be mailed by the Executive Director to each member of the Board not later than fifteen (15) days before the date of the meeting at which they are to be considered. Except for such proposed amendments as are so distributed, no other amendments shall be considered, nor shall any proposed amendments to an amendment as proposed be considered unless the same merely goes to the form and not the substance thereof.

APPENDIX

GRDUP A			Revised 4/15/78	
Sport	Dele- gates	Basic Votes	National Governing Body	International Governing Body
Archery	5	50	National Archery Association (NAA)	International Archery Federation (FITA)
Athletics	10	100	Track & Field Division (AAU)	International Amateur Athletic Federation (IAAF)
Baseball	5	50	US Baseball Federation (USBA)	International Baseball Association (AIBNA)
Basketball	5	50	Amateur Basketball Association of the USA (ABAUSA)	International Basketball Federation (FIBA)
Biathlon	5	50	US Modern Pentathlon & Biathlon Association (USMPBA)	International Modern Pentathlon & Biathlon Union (UIMPB)
Bobsledding	5	50	Bobsledding Division (AAU)	International Bobsleigh & Tobogganing Federation (FIBT)
Boxing	5	50	Boxing Division (AAU)	International Amateur Boxing Association (AIBA)
Canoeing	5	50	American Canoe Association (ACA)	International Canoeing Federation (ICF)
Cycling	5	50	US Cycling Federation (USCF)	International Federation of Amateur Cyclists (FIAC)
Equestrian	5	50	American Horse Shows Association (AHSA)	International Equestrian Federation (FEI)
Fencing	5	50	Amateur Fencers' League of America (AFLA)	International Fencing Federation (FIE)
Field Hockey	5	50	Field Hockey Association of America (FHAA) (Men's) US Field Hockey Association Inc. (USFHA) (Women's)	International Hockey Federation (FIH) International Federation of Women's Hockey Association (IFWHA)
Figure Skating	5	50	US Figure Skating Association (USFSA)	International Skating Union (ISU)
Gymnastics	5	50	US Gymnastics Federation (USGF)	International Gymnastics Federation (FIG)
Ice Hockey	5	50	Amateur Hockey Association of the US (AHAUS)	International Ice Hockey Federation (IIHF)
Judo	5	50	Judo Division (AAU)	International Judo Federation (IJF)
Luge	5	50	Luge Division (AAU)	International Luge Federation (FIL)
Modern Pentathlon	5	50	US Modern Pentathlon & Biathlon Association (USMPBA)	International Modern Pentathlon & Biathlon Union (UIMPB)
Roller Skating	5	50	US Amateur Confederation of Roller Skating (USACRS)	Federation Internationale de Roller Skating (FIRS)
Rowing	5	50	National Association of Amateur Oarsmen (NAAO)	International Federation of Rowing Societies (FISA)
Shooting	5	50	National Rifle Association of America (NRA)	International Shooting Union (UIT)
Skiing	5	50	US Ski Association (USSA)	International Ski Federation (FIS)
Soccer Football	5	50	US Soccer Federation (USSF)	International Federation of Association Football (FIFA)

APPENDIX

Group A (Continued)

Softball	5	50	Amateur Softball Association of America (ASA)	Federation Internationale de Softball (FIS)
Speed Skating	5	50	US International Skating Association (USISA)	International Skating Union (ISU)
Swimming, Diving	10	100	Swimming Division (AAU)	International Amateur Swimming Federation (FINA)
Water Polo, Synchronized Swimming				
Team Handball	5	50	US Team Handball Federation (USTHF)	International Handball Federation (IHF)
Tennis	5	50	US Tennis Association (USTA)	International Tennis Association (ITA)
Volleyball	5	50	US Volleyball Association (USVBA)	International Volleyball Federation (FIVB)
Weightlifting	5	50	Weightlifting Division (AAU)	International Weightlifting Federation (IWF)
Wrestling	5	50	Wrestling Division (AAU)	International Amateur Wrestling Federation (FILA)
Yachting	5	50	US Yacht Racing Union (USYRU)	International Yacht Racing Union (IYRU)

GROUP B			GROUP D		
National Multi-Sport Organizations	Delegates	Votes	States	Delegates	Votes Per delegate
Amateur Athletic Union (AAU)	5	50	Alabama	2	1
			Alaska	1	1
			Arizona	1	1
American Alliance for Health, Physical Education & Recreation (AAHPER)	5	50	Arkansas	1	1
			California	3	1
			Colorado	1	1
Association for Intercollegiate Athletics for Women (AIAW)	5	50	Connecticut	1	1
			Delaware	1	1
Catholic Youth Organization (CYO)	5	50	District of Columbia	1	1
			Florida	2	1
Exploring Division of Boy Scouts of America	5	50	Georgia	2	1
			Hawaii	1	1
			Idaho	1	1
National Association of Intercollegiate Athletics (NAIA)	5	50	Illinois	3	1
			Indiana	2	1
			Iowa	2	1
National Collegiate Athletic Association (NCAA)	5	50	Kansas	1	1
			Kentucky	2	1
			Louisiana	2	1
			Maine	1	1
			Maryland	2	1
			Massachusetts	2	1
			Michigan	3	1
National Federation of State High School Associations (NFSHSA)	5	50	Minnesota	2	1
			Mississippi	1	1
			Missouri	2	1
			Montana	1	1
National Jewish Welfare Board (NJWB)	5	50	Nebraska	1	1
			Nevada	1	1
			New Hampshire	1	1
National Junior College Athletic Association (NJCAA)	5	50	New Jersey	2	1
			New Mexico	1	1
			New York	3	1
US Armed Forces	5	50	North Carolina	2	1
United States Air Force			North Dakota	1	1
United States Army			Ohio	3	1
United States Marine Corps			Oklahoma	1	1
United States Navy			Oregon	1	1
Young Men's Christian Association (YMCA)	5	50	Pennsylvania	3	1
			Rhode Island	1	1
			South Carolina	1	1
			South Dakota	1	1
			Tennessee	2	1
			Texas	3	1
			Utah	1	1
			Vermont	1	1
			Virginia	2	1
			Washington	2	1
			West Virginia	1	1
			Wisconsin	2	1
			Wyoming	1	1
GROUP C					
Affiliated Sports Organizations					
Tae Kwon Do Division of AAU	1	1			
U.S. Table Tennis Association	1	1			

Public Law 805 * 81st Congress * Chapter 975 * 2nd Session

(H. R. 9111)

AN ACT

To incorporate the United States Olympic Committee

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That the following persons, to wit:

Avery Brundage, Chicago, Illinois; Kenneth L. Wilson, Chicago, Illinois; Asa S. Bushnell, Princeton, New Jersey; Owen V. Van Camp, Chicago, Illinois; Gustavus T. Kirby, Bedford Hills, New York; John T. McGovern, New York City, New York; J. Lyman Bingham, Chicago, Illinois; Daniel J. Ferris, New York City, New York; Thomas J. Hamilton, Pittsburgh, Pennsylvania; Thomas W. Herren, Washington, District of Columbia; Willis O. Hunter, Los Angeles, California; Jeremiah T. Mahoney, New York City, New York; T. Nelson Metcalf, Chicago, Illinois; Charles L. Ornstein, New York City, New York; James A. Rhodes, Columbus, Ohio; Albert Sigal, Atherton, California; H. Jamison Swarts, Philadelphia, Pennsylvania; Albert F. Whittle, Baltimore, Maryland; Robert A. Fetzner, Chapel Hill, North Carolina; Karl E. Leib, Iowa City, Iowa; Frank G. McCormick, Minneapolis, Minnesota; Alfred R. Masters, Stanford University, California; E. L. Bonney, Salt Lake City, Utah; E. Joseph Arnoff, Washington, District of Columbia; Richard E. Cross, Detroit, Michigan; Charles L. Dietlin, New York City, New York; Ralph Furey, New York City, New York; Harry D. Henshel, New York City, New York; John B. Kelly, Senior, Philadelphia, Pennsylvania; Richard C. Larkins, Columbus, Ohio; Fred C. Matthaei, Detroit, Michigan; Colonel Frederick E. Weber, West Point, New York; Hugh C. Willett, Los Angeles, California; Lawrence J. Johnson, Boston, Massachusetts; Patrick J. Kelly, New York City, New York; R. Max Ritter, Jenkintown, Pennsylvania; Fred L. Steers, Chicago, Illinois; Willard N. Greim, Denver, Colorado; General Douglas MacArthur, Tokyo, Japan; Joseph E. Rayercroft, Princeton, New Jersey; Frederick W. Rudman, Mambasset, New York; John J. Raskob, New York City, New York; Frank P. Callahan, Schenectady, New York; William S. Haddock, Pittsburgh, Pennsylvania; J. W. Mitchell, Little Rock, Arkansas; William F. Bailey, High Point, North Carolina; Herman J. Fischer, Chicago, Illinois; R. J. H. Kipbuth, New Haven, Connecticut; Edward Rosenblum, Washington, District of Columbia; Ben York, West Palm Beach, Florida; Seymour Leberman, Houston, Texas; Paul Jordan, Indianapolis, Indiana; Mrs. Lillian Y. Whiting, Des Moines, Iowa; A. Wood Hardin, New Albany, Indiana; Douglas F. Roby, Detroit, Michigan; Marion H. Miller, Kansas City, Missouri; Edwin F. Schaefer, Buffalo, New York; James A. Lee, Cleveland, Ohio; Robert C. Greenwade, Blackwell, Oklahoma; Charles Gevecker, St. Louis, Missouri; Roscoe C. Torrance, Seattle, Washington; Louis G. Wilke, Denver, Colorado; Doctor Barry J. Barnedale, Homma, Louisiana; Larry Houston, Los Angeles, California; C. W. Streit, Junior, Birmingham, Alabama; Norton C. Pritchett, Charlottesville, Virginia; Dernel Every, New York City, New York; Vaughn S. Blundland, Detroit, Michigan; Major General Guy V. Henry, Chevy Chase, Maryland; George Edwards, Columbia, Missouri; John J. Fox, Larchmont, New York; Harold R. Gilbert, State College, Pennsylvania;

Frank Small, Bayside, Long Island, New York; Colonel John T. Cole, Bell Haven, Alexandria, Virginia; Miguel de Capriles, Pleasantville, New York; Alexis Thompson, New York City, New York; Henry M. Reatty, Cleveland, Ohio; Roy F. Moore, New York City, New York; Mrs. Roberts Borniwell, Philadelphia, Pennsylvania; Harry Hainsworth, Buffalo, New York; Major General William C. Rose, Washington, District of Columbia; Major General M. A. Edson, Montpelier, Vermont; Clifford Coes, New York City, New York; Joseph J. Barriskill, New York City, New York; Senator Peter J. Miller, Chicago, Illinois; Charles O. Roeter, Lansdowne, Pennsylvania; Mrs. Elsie Veits Jennings, New York City, New York; William C. Ackerman, Los Angeles, California; Robert J. Kane, Ithaca, New York; Mrs. Irvan Van Blarcom, Wichita, Kansas; Jay-Elure Mahoney, New York City, New York; John Terpak, York, Pennsylvania; Eric F. Pohl, San Antonio, Texas; Thomas F. Lennon, New York City, New York; Dietrich Wurtmann, New York City, New York; Benven E. Peters, Kansas City, Missouri; John M. Harmon, Boston, Massachusetts; George E. Little, New Brunswick, New Jersey; Arthur E. Eilers, St. Louis, Missouri; James H. Stewart, Dallas, Texas; Harry N. Keighley, Evanston, Illinois; Doctor C. Randolph Manning, New York City, New York; Harold T. Enemood, New York City, New York; Earl R. Yeomans, Philadelphia, Pennsylvania; and their associates and successors, are hereby created a body corporate by the name of "United States Olympic Association" (hereinafter referred to as the "corporation"). The corporation shall maintain its principal offices and national headquarters in the city of Washington, District of Columbia, and may hold its annual and special meetings in such places as the said incorporators shall determine.

Section 2. A majority of the persons named in the first section of this Act or their successors are hereby authorized to meet to complete the organization of the corporation by the adoption of a constitution and by-laws, the election of officers, and by doing all things necessary to carry into effect the provisions of this Act.

Section 3. The objects and purposes of the corporation shall be—

(1) to arouse and maintain the interest of the people of the United States in, and to obtain their support of, creditable and sportsmanlike participation and representation of the United States in the Olympic Games and the Pan American Games;

(2) to stimulate the interest of the people, particularly of the youth of the United States, in healthful, physical, mental and cultural education through sportsmanlike participation in competitions in accordance with amateur rules;

(3) to exercise exclusive jurisdiction, either directly or through its constituent members or committees, over all matters pertaining to the participation of the United States in the Olympic Games and in the Pan American Games, including the representation of the United States in such games, and over the organization of the Olympic Games and the Pan American Games when celebrated in the United States;

(4) to select and obtain for the United States the most competent amateur representation possible in the competitions and events of the Olympic Games and of the Pan American Games;

(5) to maintain the highest ideals of amateurism and to promote general interest therein, particularly in connection with the Olympic Games and the Pan American Games;

(6) to instill and develop in the youth of America the qualities of courage, self-reliance, honesty, tolerance, and like virtues; and

(7) to promote and encourage the physical, moral, and cultural education of the youth of the United States to the end that their health, patriotism, character, and good citizenship may be fully developed.

Section 4. The corporation shall have perpetual succession and power—

(1) to organize, select, finance, and control the representation of the United States to the competitions and events of the Olympic Games and of the Pan American Games and to appoint committees or other governing bodies in connection with such representation;

(2) to sue and be sued;

(3) to make contracts;

(4) to acquire, hold, and dispose of such real and personal property as may be necessary for its corporate purposes;

(5) to accept gifts, legacies, and devises in furtherance of its corporate purposes;

(6) to borrow money to carry out its corporate purposes, issue notes, bonds, or other evidences of indebtedness therefor, and secure the same by mortgage, subject in each case to the laws of the United States or of any State;

(7) to establish, regulate, and discontinue subordinate organizations, and to receive and expel as members of the corporation such existing organizations of a patriotic, educational, civic, or athletic character, as may be deemed desirable and proper to carry out the corporate purposes;

(8) to adopt and alter a corporate seal;

(9) to adopt and alter a constitution and by-laws not inconsistent with the laws of the United States or of any State;

(10) to establish and maintain offices for the conduct of the affairs of the corporation;

(11) to publish a newspaper, magazine, or other publication consistent with its corporate purposes; and

(12) to do any and all acts and things necessary and proper to carry out the purposes of the corporation.

Section 5. Eligibility for membership in the corporation shall be determined in accordance with the constitution and by-laws of the corporation.

Section 6. The corporation shall be non-political and, as an organization, shall not promote the candidacy of any person seeking public office.

Section 7. The corporation shall have no power to issue capital stock or to engage in business for pecuniary profit or gain.

Section 8. The corporation may acquire any or all of the assets of the existing unincorporated association, known as "The United States Olympic Association," upon discharging or satisfactorily providing for the payment and discharge of all the liabilities of such unincorporated association.

Section 9. That from and after the passage of this Act, it shall be unlawful for any person within the jurisdiction of the United States to falsely or fraudulently hold himself out as or represent or pretend himself to be a member of or an agent for the United States Olympic Association or its subordinate organizations for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the insignia thereof for the fraudulent purpose of inducing the belief that he is at such time a member of or an agent for the United States Olympic Association or its subordinate organizations. It shall be unlawful for any person, corporation, or association, other than the United States Olympic Association or its subordinate organizations and its duly authorized employees and agents for the purpose of trade, theatrical exhibition, athletic performance, and competition or as an advertisement to induce the sale of any article whatsoever or attendance at any theatrical exhibition, athletic performance, and competition or for any business or charitable purpose to use within the territory of the United States of America and its exterior possessions, the emblem of the United States Olympic Association consisting of an escutcheon having a blue chief and vertically extending alternate red and white bars on the base with five interlocked rings displayed on the chief, or any other sign or insignia made or colored in imitation thereof, or the words "Olympic," "Olympiad," or "Citius Altius Fortius" or any combination of these words: *Provided, however,* That any person, corporation, or association that actually used, or whose assignor actually used, the said emblem, sign, insignia, or words for any lawful purpose prior to the effective date of this Act, shall not be deemed forbidden by this Act to continue the use thereof for the same purpose and for the same class or classes of goods to which said emblem, sign, insignia, or words had been used lawfully prior thereto. If any person violates the provision of this section he shall be deemed guilty of a misdemeanor, and upon conviction in any Federal court shall be liable to fine of not less than \$100 or more than \$500 or imprisonment for a term not exceeding 1 year, or both, for each and every offense.

Section 10. As a condition precedent to the exercise of any power or privilege granted or conferred under this Act, the corporation shall file in the office of the secretary of state, or similar officer, in each State the name and post office address of an authorized agent of the corporation in such State upon whom local process or demands against the corporation may be served.

Section 11. The right to alter, amend, or repeal this Act at any time is hereby expressly reserved.

Section 12. The corporation shall, on or before the 1st day of September in each year, transmit to Congress a report of its proceedings for the preceding calendar year, including full and complete statement of its receipts and expenditures. Such reports shall not be printed as public documents.

Approved September 21, 1950.

STATEMENT OF LEROY T. WALKER, IMMEDIATE PAST PRESIDENT, AMERICAN
ALLIANCE FOR HEALTH, PHYSICAL EDUCATION, AND RECREATION

The American Alliance for Health, Physical Education, and Recreation (AAHPER) is a national organization, the stated objective of which is to support, encourage, and provide assistance to our member groups and their personnel throughout the nation as they seek to initiate, develop, and conduct programs in health, leisure and movement-related activities for the enrichment of human life. We have been an organized group of teachers and research workers since 1885 and, therefore, have a historical perspective on the problems of sports and athletics, nationally and internationally.

Our 50,000 members are coaches, officials, trainers, teachers, athletic directors, sport leaders and research workers studying physiology of exercise, biomechanics, sociology and psychology of sport. We are allied with the United States Olympic Committee, a charter member of the United States Collegiate Sport council, and hold memberships in many of the sports governing bodies. Our component associations include the National Association for Sport and Physical Education (NASPE), the National Association for Girls and Women in Sport (NAGWS), the Association for Intercollegiate Athletics for Women (AIAW), and the National Intramural Sport Council (NISC), the Aquatics council and the Research Consortium of Health, Physical Education, and Recreation. We have strong ties to the American College of Sports Medicine, the American Academy of Physical Education, the International Council of Health, Physical Education and Recreation, the President's Council on Physical Fitness and Sport, and the national association for physical education of college men and women.

The leadership of the Alliance is firmly committed to the idea that all people must have equal access to opportunity, including the opportunity to further their health and general well-being through sports participation. We are equally concerned about the beginner, the participant in high school sports, the intercollegiate athlete, the world-class athlete.

While no organization can express the viewpoint of all individual members, the elected leadership of the Alliance has always supported the position that sports and athletics, as included in our schools and colleges, are an integral part of the educational program, and the organization and administration of these activities must have as a primary objective the education and development of the individual.

We know from experience and national research affirms that children need a great deal of encouragement and examples of achievement if they are to participate in sports and activities at a sufficient level to improve their health. We do not expect to make a world class athlete of every school child and young adult in the charge of our members, but we do urge that every individual needs activity and needs the example of the heroes of the Olympics and World Games as a goal. They wish to feel that they are a part of a winning team.

We strongly support House bill No. 12626 because we believe that it will provide the impetus for the broad, far-reaching sport development program necessary to contribute to the personal welfare of the entire population at the same time that it forms the basis for the further development of the gifted athlete to represent our country in international competition.

The bill would provide essential support and stimulation for our existing programs of physical education and sports throughout our educational systems so that healthy sports participation may become a part of every individual's lifestyle. The bill also assists in another vital aspect of our work—the collection and dissemination of research findings in sports medicine, including research in biomechanics, physiology of exercise, and nutrition.

This research is ongoing and through the AAHPER publications and periodicals it is already widely disseminated, but the kinds of programs outlined in House Bill 12626 would stimulate wider research and make that research known more widely to teachers, coaches and others. This has great value for the day to day well-being, physically and mentally, of our citizens; it is not in any way an effort solely for the benefit of an elite class of super athletes.

When we consider all the implications of this legislation, it seems to us that when members of the House and the administration fully appreciate them, they will believe that the funds suggested for authorization are very little in relation to the amount of positive good they can do our country. Physical health and the pursuit of excellence as demonstrated in the achievements of world class athletes are not unnecessary frills in our lives. They are essential to our individual and national well-being.

It is for these reasons that we urge the Subcommittee on Administrative Law and Governmental Relations to support House bill 12626.

Thank you, Mr. Chairman.

STATEMENT OF KENNETH HURLEY, EXECUTIVE SECRETARY/TREASURER OF THE
AMERICAN BOWLING CONGRESS

My name is Kenneth Hurley and I am the Executive Secretary/Treasurer of the American Bowling Congress, a membership organization made up of over 4½ million weekly male league bowlers in the United States. I am testifying today on behalf of the sport of bowling including our sister organization, the Women's International Bowling Congress, which represents almost 4½ million weekly women league bowlers.

Our sport is played in more than 8,500 bowling centers scattered across the country which provide the playing arenas for not only our 9 million weekly bowlers, but the 55 million Americans who bowled casually as a family-oriented recreation sport each year.

Both the American Bowling Congress and the Women's International Bowling Congress conduct national tournaments capping each yearly season, which on the average draw more than 40,000 participants annually to each of our respective tournament sites. The 50 States also conduct yearly championship tournaments plus a host of smaller city and regional competition is held in addition to the regular weekly league play enjoyed by our 9 million members.

This domestic competition is supplemented by international bowling activity primarily sponsored through the Federation Internationale des Quilleurs, an organization made up of bowling federations from more than 50 nations worldwide. FIQ conducts world championships every 4 years and, at the midpoint of the intervening years, conducts various zone competitions for zone championships.

In addition to FIQ there are several other international competitions in our sport including but not limited to the Tournament of the Americas and the World Cup. There are also on-going discussions of the possibility of a World Games sponsored by General Assembly of International Sports Federations which might include bowling competition.

With this background on our sport, I am here today to express our concern about the Amateur Sports Act of 1978, H.R. 12626 as presented to your subcommittee after passage in the Senate as S. 2727. We support its laudable goals of improving athletes' rights and the opportunity to participate equitably in the Olympic and Pan-American Games. However, we strongly believe that the regulatory scheme contained in the Act should be limited solely to those sports which are a part of the Olympic or Pan-American Games, as it is in these competitions at all their levels that the problems, to which this legislation is addressed have arisen. I can tell you categorically that in our sport, this myriad of dissension; inequitable choice of team members; lack of funding; and internal bickering between competing agencies does not occur.

In our judgment, S. 2727 nee H.R. 12626 contains language which provides an invitation to a quasi-governmental agency for the extension of an unwarranted regulatory scheme to non-Olympic or non-Pan-American Games sports and the imposition of bureaucratic meddling in those sports wholly inconsistent with the intention of Congress and the expectations of the average taxpayer/sportsman in the United States.

While there are several ways to accomplish the limitation of this Act to its true intended scope of the Olympic and Pan-American Games sports, we would suggest the following amendments as perhaps the most clearcut:

(1) Section 105(a)(1) be deleted in its entirety.

(2) Section 105(a)(5) be amended to read "(5) facilitate, through orderly and effective administrative procedures, the resolution of conflicts or disputes involving any amateur athlete, coach, trainer, manager, administrator, official, national governing body, or amateur sports organization, which arise in the course of participation qualifying such party for the Olympic or Pan-American Games;"

(3) Section 114 be amended as follows: "In its constitution and bylaws, the Corporation shall establish and maintain provisions for the swift and equitable resolution of disputes involving the opportunity of an amateur athlete, coach, trainer, manager, administrator, or official to participate in the Olympic or Pan-American Games."

We believe these proposed amendments would have no impact on the ability of the United States Olympic Committee or any other agency subsequently delegated the duties contained in H.R. 12626 to implement the objectives and purposes underlining the Act. These amendments or other specific, explicit limitations of the scope of this legislation made a part of this Act can only serve the interests of all sports organizations in our nation by clearly avoiding unanticipated and unwarranted

expansion of the Act's provisions to non-Olympic or non-Pan-American Games sports at a later date contrary to the intention of the Congress and the stated expectation of those who have testified before me at these hearings.

I believe my stated concerns fairly reflect our entire sport's wariness about governmental intrusion, either direct or indirect, into areas such as bowling and golf which do not display the very real problems found among many of the sports who have appeared before this subcommittee. We also believe that the resources of our government, based as they are on taxes paid by among others, our millions of members, should be carefully husbanded. Any expansion of the regulatory schemes of H.R. 12626 and the concomitant taxpayer burden necessary in order to apply that regulation to sports like bowling which do not need federal intervention would, we believe, exacerbate the already growing reaction to governmental taxing and spending afoot in the country today.

In conclusion, Mr. Chairman, we seek only the clear expression of what has been represented to sports like ours throughout the development of this legislation and its many variations—that S. 2727, now H.R. 12626 only applies to the sports which are part of the Olympic or Pan-American Games or which become a part of those competitions. We urge your committee's careful consideration of our suggested amendments and either I or the Washington, DC office of the National Bowling Council would be happy to work further with you and-or the subcommittee staff.

Thank you.

AMATEUR SPORTS ACT OF 1978

THURSDAY, JUNE 22, 1978

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:25 a.m., in room 2226, Rayburn House Office Building, the Honorable George E. Danielson (chairman of the subcommittee) presiding.

Present: Representatives Danielson, Mazzoli, and Kindness.

Also present: William P. Shattuck, counsel; James H. Lauer, Jr., assistant counsel; Alan F. Coffey, Jr., associate counsel; and Florence McGrady, administrative assistant.

Mr. DANIELSON. The hour of 10 o'clock having arrived and there being a quorum present, the subcommittee will come to order.

This will be the second day of our taking of testimony on the bill S. 2727, H.R. 12626, and related bills, all of which relate to the promotion and coordination of amateur athletic activities in the United States providing funds for some activities and for other purposes.

Our first witness this morning is the distinguished Senator Ted Stevens of Alaska.

Senator Stevens, this is an honor for me to have you here to give us the benefit of your opinions, and I am going to say just proceed in whatever manner you like.

TESTIMONY OF HON. TED STEVENS, A SENATOR IN THE U.S. CONGRESS FROM THE STATE OF ALASKA, ACCOMPANIED BY DONNA DE VARAN, MEMBER OF THE PRESIDENT'S COMMISSION ON OLYMPIC SPORTS, AND MARY McAULIFFE, STAFF MEMBER, SENATE COMMERCE COMMITTEE

Senator STEVENS. Mr. Chairman, I am delighted to be here before your committee to give you an example of the total feeling for this bill.

I want to point out to you that the markup of the Alaska lands bill is starting on the Senate side this morning.

Mr. DANIELSON. I would say you should have no fear, because the other body won't be able to do it until you return.

Senator STEVENS. I am also delighted to be here to once again have the opportunity to get my guidance from the chairman.

I think most people don't realize that that guidance started, I don't know whether you want to admit it but I am willing to admit it, 30 years ago this week.

Mr. DANIELSON. I remember when the gentleman prepared that Law Review article on the *Erie Railroad v. Tompkins* which is still a milestone in our legal history.

Senator STEVENS. I was delighted to have your guidance in the U.S. attorney's office some years ago and I am delighted to be here today.

I would hope that you would print my statement in full and let me summarize it, if I may do that.

Mr. DANIELSON. Without objection, it is so ordered and that is the way we prefer it so go right ahead.

[The prepared statement of Hon. Ted Stevens follows:]

STATEMENT OF HON. TED STEVENS, A U.S. SENATOR FROM ALASKA

Mr. Chairman, I appreciate your giving me the opportunity to testify before your Committee today on the Amateur Sports Act of 1978. As you know, this bill was reported unanimously out of the Senate Commerce Committee and then passed the Senate by voice vote on May 8th of this year. As a former member of the President's Commission on Olympic Sports, and a principal supporter of the bill, I would like to share with you some of my thoughts with respect to the bill and, hopefully, enlighten you as to what it means.

As you have read, and heard in testimony before your Committee yesterday, the bill calls for restructuring the amateur sports community by setting standards for sports national governing bodies responsible for the overall administration of each sport. Additionally, the bill recognizes the Olympic Committee as the coordinating body for amateur athletic activity in the United States.

The most important aspect of this legislation is that it establishes standards for each governing body which require it to administer its sport democratically and with due consideration for all the athletes who participate in that sport.

It is necessary and important that this restructuring of national governing bodies take place as soon as possible. With restructuring each sport will be governed internally by its own members who best know what priorities and policies to set for the sport. Additionally, if these sports organizations can get on their feet organizationally by being responsive to their members and effective administratively, they will be better able to attract private funding. With the continued disorganization, in-fighting and limited programs and coordination, no sport, particularly the lesser-known underdeveloped sports, can be expected to attract significant financial support from private sources.

Secondly, the bill recognizes the U.S. Olympic Committee (USOC) as the coordinating body for amateur athletic activity in the United States. While this coordinating authority extends to all sports practiced in the United States, the Olympic Committee only has mandatory power over those sports which are included on the Olympic or Pan American calendar. Thus, for instance, golf and bowling which do not participate in those Games, are not subject to any powers of the Olympic Committee. This coordinating authority, however, is important because it establishes the Olympic Committee as THE organization in this country responsible for caring about the development and coordination of amateur sports groups and programs. We are putting the USOC on notice that it is expected to reach out and get these groups working together in a productive manner for the greater overall effectiveness of amateur sports.

It seems that many people have the mistaken notion that this bill is for elite athletes. I cannot emphasize enough that this bill is for any and all athletes. If we can put the sports governing bodies in shape by requiring them to meet the standards set forth in the bill so that they are responsive to their members, I can assure you that we will see expanded opportunities for all Americans interested in sport.

I care about the quality of our representation in the Olympics and Pan American Games. I, too, feel pride when the American flag is raised to celebrate another medal for Americans. But, I also care for the people who want to participate in athletic activities but there aren't any, or the opportunities are limited, or their parents can't afford it. I care about the people who never even consider pursuing athletics for fun, self-improvement, personal achievement or health because there are no programs to suit their needs. This bill can help make those opportunities available to Americans—young or old, athletically talented or not—because it requires sports governing bodies and the Olympic Committee to develop programs in

those areas. We have human resources out there we haven't even begun to tap. And, I think that's where our emphasis ought to be—starting from the bottom and working up. Colgate Palmolive has already recognized the potential that exists. The company underwrites a series of track meets for women only in New York City annually. Last year 20,000 young women took part, many of them participating for the first time in organized competition.

You may wonder whether this bill is a step toward the East German system where athletes are identified at a very young age and those with special skills are supported by the state for as long as they wish to compete and continue to excel. Well, I don't think you or I would tolerate such a system. It's not what any of us feel is consistent with the American way of life. But, neither can we shrink away from giving some minimum support to our athletes. We cannot be frightened away by the excesses of other nations. This bill is a statement that the United States is concerned about its athletes and wishes to support them whether they are skilled or just out there for the fun of it. We cannot permit ourselves to react in a knee-jerk fashion to this issue.

Also, it is not inconsistent in America that our young athletes want to be the best and represent this country with pride, knowing that they really had an equal chance to develop their potential and that our country stood behind them when they competed in the international sports arena.

As to the question of funding, there is \$30 million in the bill because it is needed to enable reorganization of the sports national governing bodies. It is also needed to support the training centers. You cannot separate restructuring from the money because that's how the restructuring is going to take place. The Olympic Committee is prepared to funnel money into each national governing body to facilitate its reorganization. Swimming is a good example of a well-developed sport which has excellent leadership and programs for all age group categories. Its masters program is growing in popularity and is a productive outlet for the older athlete who wishes to continue to compete and keep fit. Because swimming facilities are prevalent throughout the country and its access has not been too limited, it has produced a great number of enthusiasts. We have always fielded, as a result, strong competitors in international competition. Further, swimming is a sport which has been able to attract substantial media coverage as well as corporate sponsorship. The main contributor, Phillips 66 Petroleum, underwrites the competitive swimming program in this country because it's such a well-organized sport. Phillips is confident the money will reach the grass roots as well as elite athletes.

However, lesser developed sports, such as volleyball, have been unsuccessful because they have not had to meet any standards as a national governing body. Thus, in 1976 we did not field a U.S. Olympic volleyball team in Montreal. This is a sad state of affairs since volleyball is an American sport, developed in this country. It is a sport which is widely practiced, but totally disorganized. Some restructuring money can be used here.

For those of you who really don't believe that this is a one-time Federal authorization, I can tell you that I positively won't support another one. I assured the Commerce Committee of this before we reported the bill, and I mean it. The funding is for one purpose and one purpose only—to enable the reorganization of the present composition of amateur sports in this country and to give much needed funding to the training centers which still need equipment, coaching staff, administrators and improvements to existing facilities.

Since the two training centers came into use over 8,000 athletes have passed through them representing all age categories and various levels of skills. The Explorer Scouts, new members of the Olympic Committee, have already been able to use the facilities. Athletes who go to these training centers are selected by their national governing body. Thus, a national governing is in the position to exercise its priorities as it sees fit—either for grass roots development, or to fine-tune the skills of the world-class athlete.

For those of you who fear that this bill constitutes Federal intrusion into the field of amateur sports, I can assure you that it does not. For a grant of \$30 million we are not exacting anything from the Olympic Committee other than a commitment to reorganize so that we can expand athletic opportunities for American citizens. Because the Congress does not wish to get into the area of regulating amateur sports we have not placed strings on the disbursement of the funds. The money is a one-time grant. The government doesn't have the time nor the inclination to get into the business of regulating amateur sports.

With respect to the matter of athletes rights, this was changed from the original version of the Amateur Sports Act thanks to a spirit of compromise on the part of the athletes themselves. When it became apparent that the high schools and col-

leges would not support the bill if the Athletes Bill of Rights remained, a new athletes rights provision was negotiated. This negotiating session involved the Chairman of the Athletes Advisory Council of the USOC, Counsel for the National Collegiate Athletic Association, Counsel for the Association of Intercollegiate Athletics for Women, Counsel for the National Federation of State High School Associations, the Chairman of the USOC Legislative Committee who is also a representative of the Amateur Athletic Union, and the Executive Director of the Olympic Committee. It had been previously agreed that the sponsors of the bill would accept whatever compromise on the issue of athletes rights could be reached. As you know, this same language has now been adopted as part of the Olympic Committee's constitution. Frankly, I am baffled by the last minute statement by the Amateur Athletic Union that they support the original Athletes Bill of Rights since they have had the opportunity to object all along—both to the Committee and to the USOC in convention—to this new version protecting the rights of athletes to participate in amateur athletic competition.

Further, I wish to clarify any confusion about the Senate's failure to meet its commitments to the A.A.U. when the bill was considered in early May. When the Olympic Committee House of Delegates met in its annual business session this past April, some reservations about the bill were voiced by some national governing bodies affiliated with the Amateur Athletic Union. Agreements were negotiated so that we were able to enlist their full support of the bill. We were able to keep all but one of these agreements either by means of colloquy on the Senate floor or amendments to the bill. In only one area did we fail to keep our commitment, and I can assure you that it was not for lack of trying. We just could not get involved parties to reach any consensus on language. The difficulty had to do with a concern expressed by the national governing bodies that some organizations, specifically, the school-college community, would not be required to get a sanction from the appropriate national governing body to compete in international amateur athletic competition because it is possible to read the bill as not requiring a sanction for certain types of international competition, such as when a basketball team representing the University of Colorado competes against a club team from Europe.

It is the intent of the bill that any American amateur sports organization which wishes to conduct or sponsor amateur athletic competition between a team of United States amateur athletes representing that organization, and a team of amateur athletes representing a foreign country or institution, must obtain a sanction from the appropriate national governing body. Correlatively, the national governing body must make the sanction available upon satisfaction by the applicant organization of the sanction criteria set forth in the bill. I believe you will find that both the A.A.U. and the school-college community agree with this statement. I urge the Committee to question both on the issue and try to resolve the matter quickly as I believe this constitutes the only remaining objection to the bill by any major sports organization.

Much time, effort and thought has gone into the production of this bill. I read an article in the June 26th issue of Time magazine which this week has a feature story on "Women in Sports". It quoted Doctor William Morgan, of the University of Arizona's Sports Psychology Laboratory as saying, "Athletes are less depressed, more stable, and have higher psychological vigor than the general public." That's what this bill's all about. It's about increasing sports opportunities and the quality of programs for Americans at all levels of participation. It's to put an end to some of the constant organizational squabbles so that sports groups and athletes can operate in a healthy and functional environment.

I hope you will be able to consider the Amateur Sports Act in Committee promptly and to support it without reservation.

Senator STEVENS. As you know I served on the President's Commission on Olympic Sports. I have been active in this area since it first came up in the Senate side and I became a member of the Commerce Committee.

This bill means a great deal to me personally because of the amount of time that I have devoted to this subject in my Senate career.

You heard testimony yesterday and I really don't think I need to repeat the total framework of this bill. But I think that the most important aspect of it is that it will establish standards for each governing body of a sport, so that it will, the governing body will

act democratically and with due consideration for all of the athletes involved in that sport.

I think it is important that the restructuring envisioned by this bill of the national governing bodies takes place as soon as possible. This will give a more democratic process as far as each of these sports is concerned.

I think that, one, when the public as a whole is convinced that there is harmony in these national governing bodies and the conflicts have been eliminated to the greatest extent possible, that non-Federal, non-Government funding will be forthcoming to expand the activities of amateur sports in the Nation.

We have found that because of disorganization, because of the infighting that has occurred and primarily because of the limitation on funding and programs to assist in organization, that many of these sports have been unable to develop their funding that they should have had from private sources.

I really believe it's there if this bill could go ahead in bringing about the restructuring that it envisions.

Now, this bill recognizes the U.S. Olympic Committee as the coordinating body of amateur athletic activity in the United States. We struggled over that in the President's Commission for a long time what should be the higher sports authority or whatever you might call it.

This bill comes up with a concept of the USOC being the coordinating authority, and it would have only mandatory powers over the Olympic activity and the Pan American activity and, in other words, no domestic activity in sports would the USOC have mandatory powers.

These are very limited powers and, for instance, in golf and bowling, which do not participate in the Olympics or pan-American games, they are not subject to any powers of the Olympic committee, but the Olympic committee, USOC, will have important coordinating authority as the organization in the country that is responsible for the development and coordination of amateur sports and the programs related to them.

Now, I think this is giving a congressional nudge to the USOC, urging them to be more active. They have taken, I must say, on their own initiative, many of the steps that are moving in the right direction since this bill started. And I think with their activities and the support they are getting throughout the country that this is the direction we ought to encourage.

We are really not getting Congress or the Federal Government in the position where they are telling amateur athletes or amateur athletic organizations what they must do. We are providing the encouragement for the centralization of this authority on a coordinating basis.

Let me assure you one other thing, and that is this bill is not a bill that deals just with elite athletics. I am sure we all, as I point out in my statement, have real pride in Olympic competitors and seeing our flag raised when our athletes do earn medals at these international competitions.

But we want to show that we are concerned about the people who participate athletics for fun, for self-improvement, for personal achievement, or for health reasons. We believe there ought to

be Federal encouragement for programs to deal with all forms of amateur athletics and I think this bill will do that.

I pointed out that there are human resources involved in this area that we as a nation have not even begun to tap. There are activities being underwritten, Colgate Palmolive has already recognized the potential there. They have underwritten a series of track meets for women only in New York. Last year 20,000 young women took part, many of them participating for the first time in organization competition.

Now, this is not a bill that would follow the German system of getting—the East German system of getting—the Government involved to the extent of identifying at very young age athletes, and continuing to support them through Government activity until they reach the point where they excel internationally. That is not consistent with our American way of life. It is not what this bill envisions.

At the same time, it does envision getting the Federal Government involved to the extent that we recognize as a Nation the need for encouragement, and the need for assistance to develop the kinds of organizations that will bring about the increased participation in amateur athletics.

I think from what I understand of the testimony you heard yesterday the most controversial issue that has been raised is the funding.

Let me point out a little bit about the background of that funding.

The President's Commission in its report recommended funding of \$215 million as an authorization. When we originally introduced this bill we had \$20 million as a one-time authorization. That was raised at my request to \$30 million, because of the testimony we received as to the amount of money that would be involved to bring about the restructuring on an administrative basis of the national governing bodies.

We also increased the amount that was \$10 million for national training centers, was increased to \$12 million because of the testimony we received concerning the cost of a sports medicine information retrieval system, and the sharing of sports medicine as far as sports medicine information nationally to all amateur athletic organizations.

Now, in this bill we have done our best to assure that there would be support for the involvement of women, for those at least who are handicapped in some way, and we believe that the development of this program requires this one-time authorization.

I think personally it is required because it is necessary for these national governing bodies to realize what could come about if they got together, eliminated their conflicts, and recognized USOC as the coordinating body nationally and supported the fundraising activities that could be forthcoming on a national basis for amateur sports in accordance with Senator Long's amendment, which is in our bill.

Senator Long's amendment, as you know, would ask the administration to study the matter and give us its recommendation as to how we could as a Federal Government, be involved in assisting

fundraising activities nationally for use, funds for us in amateur sports activities.

Now, I envision it is a cart before the horse. The national governing bodies have to be reorganized; they have to look to the USOC if there is some money there. If the money is there to get them restructured, the public sports, what they are doing, I think the financial support on a private basis will be forthcoming, and we will see the reorganization and support for the USOC's cooperative coordinating activity.

There are many organized sports in this country. Swimming is probably the most outstanding one as far as one that has been able to attract not only media coverage but substantial private support. Phillips 66, for instance, underwrites competitive swimming programs because it's a well-organized sport, I feel. There are lesser developed sports.

Volleyball as far as a national sport is concerned, it is an American sport, it was developed in this country, but from an organizational point of view it just has not had the structure that was necessary to raise the funds that were necessary or are necessary to provide the kind of assistance that that sport needs to be a self-supporting supporting one.

I think I should assure you, as I did the Commerce Committee, that those of us who have worked on this matter in the Senate look to the authorization as one-time only.

We are dedicated to seeing to it that the follow-on legislation, again following Senator Long's amendment, will be in the line of involving the Federal Government in assisting in the raising of private funds for us privately in amateur sports activity in this country.

I will be glad to answer any questions you have about the \$30 million. I know and we have had some talks with the administration concerning its position on it. I understand that position with regard to the authorization.

I still feel \$30 million is necessary. I don't think it's excessive in view of the job that has to be done, and I think that if it is \$30 million we can assure you it would be one time, and if we try to get by on \$10 million, \$12 million, \$18 million, I think we would have to come back and have a second authorization later.

I would rather have the full authorization to begin with. It might be stretched out over a period of years, but to have to come back for a second authorization I think would be difficult.

Now, the administration indicated to us that it had some question about why the money was going through the Commerce Department.

We used the Commerce Department because it has the capability of handling grants through programs such as EDA and other activities it has administered. It can see to it the Federal and taxpayers' interests are protected without putting strings on the money.

The strings that are on this money are in the terms of reporting from the USOC what has happened to the money, and we envision that would come back through the White House, through the President's Council on Physical Fitness, and we urge you to make that clear if you think it is not clear in this bill, but the reports would come back from the President to the Congress, and I envision

personally they would come back through the President's Council on Physical Fitness.

Mr. Chairman, I am a little disturbed about one thing, and let me clarify this in terms of the commitments that we made to the AAU when the bill was originally considered in May.

When the Olympic committee house of delegates met in its annual business session this past April, some reservations about the bill were voiced by some national governing bodies affiliated with the Amateur Athletic Union.

Agreements were negotiated so that we were able to enlist their full support of the bill. We were able to keep all but one of these agreements either by means of colloquy on the Senate floor or amendments to the bill. In only one area did we fail to keep our commitment, and I can assure you that it was not for lack of trying. We just could not get involved parties to reach any consensus on language.

The difficulty had to do with a concern expressed by the national governing bodies that some organizations, specifically the school-college community, would not be required to get a sanction from the appropriate national governing body to compete in international amateur athletic competition, because it is possible to read the bill as not requiring a sanction for certain types of international competition, such as when a basketball team representing the University of Colorado competes against a club team from Europe.

It is the intent of the bill that any American amateur sports organization which wishes to conduct or sponsor amateur athletic competition between a team of U.S. amateur athletes representing that organization and a team of amateur athletes representing a foreign country or institution must obtain a sanction from the appropriate national governing body.

Correlatively, the national governing body must make the sanction available upon satisfaction by the applicant organization of the sanction criteria set forth in the bill. I believe you will find that both the AAU and the school-college community agree with this statement.

I urge the committee to question both on the issue and try to resolve the matter quickly as I believe this constitutes the only remaining objective to the bill by any major sports organization.

I am pleased to see the NCAA has come forth in support of the authorization for funding and that eliminates any question about that as far as the athletic community is concerned, in my opinion.

There has been a great deal of time and effort put into this bill. I know it can get complicated. I would say, Mr. Chairman, members of the committee, that this bill is just barely acceptable to most people involved, and in the amateur athletic community because it treads literally upon everybody's toes but it's a necessary bill to enable them to get everybody else off their toes.

If we can continue on this basis of enacting a bill that will move them in the direction of cooperation without mandating it, then I think we will have achieved a great deal in terms of eliminating the problems that young athletes have gotten into when they have gotten caught in between some of these massive organizations and those individual rights have had collusion.

One last thing I would mention to you is the question of the athlete's bill of rights. I think the athletes showed great leadership in what they did. They have gotten the provision placed in the USOC's constitution that protects, at least.

This bill confirms that. It does not include as a matter of law what is the bill of rights for athletes. That is an evolving concept that the USOC constitution can deal with without coming back to Congress.

It is something that is, in fact, involved in the amateur athletic world as far as our Nation is concerned by virtue of their own decision and not a decision of Congress. So I really think that is the way to answer that.

Mr. DANIELSON. I am going to have to interrupt because we have a rollcall vote and there is just barely sufficient time. If we can sprint like Olympic athletes we can get to the floor in time. You need not.

Mr. KINDNESS. Mr. Chairman, I will be willing to pass if you want to continue.

Mr. DANIELSON. Very well, just pass.

Mr. KINDNESS. I was not able to get that information when you asked about it earlier. This is a vote going into the Committee of the Whole.

Mr. DANIELSON. I see. We will chalk that up as one error on the part of the person who called the rollcall. We will just proceed.

Senator STEVENS. You have the balance of my statement and I will be pleased to answer questions.

I am delighted you have taken the time of your committee to take this matter up. I consider it to be the most important action the Congress could take to stimulate increased involvement of Americans at all levels of amateur sports activities.

I might say that I have with me here today Mary McAuliffe, a member of the Senate Commerce Committee staff, who is most knowledgeable on the subject, has worked with us all the way through, and Donna De Varan, who was a member of the President's Commission that we both served on and is now a consultant to the Senate Commerce Committee on the matter of sports legislation.

Mr. DANIELSON. All right. Thank you very much for your presentation and your very important opinions here.

I am going to yield first to Mr. Kindness of Ohio for whatever questions he may have.

Mr. KINDNESS. Thank you, Mr. Chairman.

Senator Stevens, we have had a somewhat halting beginning this morning to the hearing and I apologize for that.

I don't really have any questions. I think your statement is very helpful in understanding the development of this legislation.

But I guess I will ask one question: What is the effect, as you see it, of this legislation upon the control of conduct of students at the high school level, with respect to participation in amateur competition which comes within the scope of those sports that are Olympic sports?

There has been an allegation made that there would be interference with the normal controls of the educational system, the States

or local boards of education, and I would appreciate your comments in that area.

Senator STEVENS. Mr. Kindness, I think it is best to look to what we mean by controls. If you are talking about representation of the Nation in international competition that is one thing, because the bill does recognize the use of control in that area.

It is more than a coordinating role in international competition. If you are talking about the competition in the school community itself, which is presently controlled to a great extent by the national governing bodies that are affiliated with one of the two great organizations in the country that are involved in the school community, then this bill I don't think changes their relationship to their students at all.

It does say that the USOC has a role of coordinating the activities, trying to stimulate the lessening of tension between them, trying to protect, to bring about the protection, they cannot protect the athletes, but they have the right to start the process whereby the athletes' rights will be more protected in the future.

That is the importance of the USOC bill of rights, athletes' bill of rights provision, and what it means is that we are moving toward assuring the individual athletes a greater degree of involvement in decisions that affect his or her future, but it does not give the USOC any control over the high school or college communities in making those decisions.

It does say that the national governing body must have a provision, because they are members of the USOC which has this constitutional provision that says athletes' rights will be protected. It is moving the community toward cooperation and recognition of amateur athletes' rights, but it is not saying that the USOC has the right to control totally those decisions.

I would say, I have gone around the barn to answer that question, but there is no final control in the USOC over domestic competition that is in the high school-college community, except when those people are, in fact, designated as our representatives in international competition.

Mr. KINDNESS. But, the obverse of that consideration would be that if a State education department or a local board of education had regulations that had to do with the number of days of absence from school that would be allowed and the continued participation in interscholastic athletic competitions was dependent upon meeting their requirements, and the student was away from school in order to participate in an international competition and missed too many days, the athletes would have some recourse under the arbitration proceedings, as I understand it, to protect his or her rights with respect to future interscholastic, domestic, interscholastic competition.

Is that correct?

Senator STEVENS. If you are talking about the high school community it's one thing; college is another. The high school community are not members of the USOC and, therefore, they would not be subject to that. That decision rests with the high school community, and each individual school would make that decision, as I understand it.

Now, the problem does get more difficult when you get into the college area, and there it depends to a great extent upon what the national governing body's rules provide and how those rules are interpreted in light to the athletes' bill of rights that is in the USOC constitution, and there is an arbitration provision involved to enable the individual athlete to have that resolved.

But, that is in the USOC constitution, and it is a right that is there now without regard to this legislation.

Mr. KINDNESS. And the high school athletes then would not have recourse to the USOC arbitration procedures, is that correct?

Senator STEVENS. They would not, unless they were involved in Olympic sports. Then there might be another matter. If they are involved in Olympic competition it might be another matter.

Mr. KINDNESS. Or pan-American games.

Senator STEVENS. My colleagues, my advisers are telling me I am not quite correct.

Congressman, let me confer here. She wants you to ask the question another way so I can answer it right, I think. Here is Ed Williams.

We were just saying that, his note says high school athletes would not be subject to arbitration in any event. The bill would have no effect on high school participation in international competition because of the NFSHSA, and they are a member of the USOC.

Each State association makes its own rules by its staff and is not a member of the USOC. However, they can support the objectives of their constitution in trying to assist to resolve disputes, but there is no mandating, there is no arbitration on high school students now.

Mr. KINDNESS. Section 209 of the bill adds a new section 114 to the charter of USOC, "Athletes' Rights." In that section, which is on page 16 of the bill, there is the phrase at the end: "And any other amateur athletic competition which may be designated by the corporation." I guess this is the language that is giving rise to the questions, and I certainly would like to look for clarification of what this language is intended to include.

Senator STEVENS. That is derived from the constitution of USOC, and it is not something that is defined by the bill. The basic answer to this, Mr. Kindness, is that again this is the constitution, that is, this is a reference to the act that established USOC. The impact of it is that the constitution only applies to members of USOC and, therefore, as an answer to the previous question, since the high school is not a member of the USOC, this would not affect their decision.

The national governing bodies do, however, designate amateur athletic competition to the corporation. You have to remember that the national governing bodies are, in fact, members of the corporation. And that their annual meeting sets up what the USOC can and cannot direct in furtherance of its activities related to this type of competition. But by that "other amateur athletic competition designated by the corporation, it could not affect non-members," and that is the answer.

They cannot use that clause to get to high school activities because the high school is not member of the USOC.

Mr. KINDNESS. On the other hand, we had testimony yesterday to the effect that one of the problems that might confront an athlete at the high school level is that by participation in an international competition he or she could be precluded from participation in sports the next year. Say his or her final year in high school, precluded from athletic competition, and thus miss out on the opportunity for scholarships, going to college, and so on.

There is really no mechanism contemplated in this bill that would get at that problem.

Senator STEVENS. No; and that is precisely one of the reasons why I think the athletes showed great leadership in moving toward an evolving process by including the bill of rights in the USOC constitution, whereas, when, and if the amateur sports community decides to move in and try to solve additional problems in this area, it can do so through its house of delegates, through its annual meeting, dealing with amendments to this constitution in accordance with the constitution and not require a further act of Congress.

That issue is not addressed by this bill. It was one of the problems we were trying to work out with the bill of rights section in the bill, was one of the reasons that the athletes agreed to take it out of the bill, put it in the constitution where, if the support develops to deal with that problem and others that we can tell you about that are not involved by this bill either, they can do it in the democratic process by an amendment to the USOC constitution.

It cannot be dealt with now in this bill.

Mr. KINDNESS. And to just clarify the record then, are we in agreement that the National Federation of State High School Athletic Associations is a member of USOC?

Senator STEVENS. Yes; the national federation is. But the individual school is not, and this was one of the problems, was how could we secure the support for the general objectives of the bill from that community.

We had meetings with them, and this direction of taking that bill of rights out of the bill and putting it into the USOC constitution was all part of the process that led to the temporary, you might say, peace with regard to this. Now, there is a problem that could develop, I am the first one to admit it in terms of a student who decides to be an international competitor and comes up in this situation.

Mr. KINDNESS. Frankly, I think the exposure is rather limited. And maybe we are making a mountain out of a molehill, but it is an issue that has been raised, and I seek to ease the problem if we can with this legislation.

Mr. Chairman, for one who was not going to ask any questions I have used more than my time.

Senator STEVENS. I am glad you put it in the record. I think the high school community was disturbed and it is my understanding they support the bill as it stands now, and understand its impact as far as the USOC constitutional procedure is concerned.

Mr. KINDNESS. Thank you, sir.

Mr. DANIELSON. Thank you very much.

Just putting the thing in balance, Mr. Kindness was not going to ask any questions; so he asked several very good ones.

I was going to ask some real good ones, so I will ask none. Thank you very much, Senator Stevens.

Senator STEVENS. You are very good, Mr. Chairman.

Thank you for your consideration.

Mr. DANIELSON. Now, you can take care of Alaska.

Senator STEVENS. I will go try.

Mr. DANIELSON. Our next witness is Hon. Robert C. McEwen, a Congressman from the great State of New York.

Bob, please come forward and let us have the benefit of your opinions.

TESTIMONY OF HON. ROBERT C. McEWEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. McEWEN. Thank you, Mr. Chairman, Mr. Kindness.

Mr. Chairman, my statement is not long.

If I may I will read it and maybe it will confine it to brevity.

Mr. DANIELSON. Any way you like.

Mr. McEWEN. I am here today to lend my support to H.R. 12626, the Amateur Sports Act.

This bill would promote and coordinate amateur athletic activity in the United States, recognize certain amateur athlete rights, provide for the resolution of disputes between sports organizations, and provide funds for regional training centers.

The prestige and responsibility that amateur athletes are given in this country is not matched with the kind of support that they deserve.

My friends on the Lake Placid Olympic organizing committee, who are administering the 1980 winter games, have encouraged me to speak on behalf of this legislation.

They share my concern for our gifted young men and women who often face equal, if not greater, challenges in training than they do in international competition. I do not believe Americans would favor the kind of complete subsidies for our athletes that are provided by certain Eastern European countries.

Amateur athletics has been free of Government control in our country, and I hope this is always the case because, in my judgment, our American heritage of freedom and individuality requires it.

The President's Commission on Olympic Sports has carefully documented the problems that athletes have faced because rival sports organizations were battling among themselves. I am sure that this chaotic atmosphere added to our athletes' burden, and I believe this bill will put in place a structure that will promote the fair and expeditious resolution of jurisdiction disputes between sports organizations.

The personal and financial sacrifices that are required of most of our potential world class competitors is so extreme it is no wonder that America's performance in international competition has declined.

I would like to take the case, Mr. Chairman, of two young women from my district who have the potential to excel against the world's best in their sport.

Twelve-year old Bali Davis of Canton, N.Y., was enrolled in the nationally known Muriel Grossfield School of Gymnastics. According to Mr. Donald Peters, their elite head coach:

She possesses a virtually ideal body type for top level gymnastics, being extremely quick, strong and flexible, with a high developed kinesthetic awareness.

This young lady placed first in the balance beam and fourth overall in the class I, advanced, Connecticut State championships in February of 1978.

Her training, school and boarding expenses amounted to about \$6,000 a year. Although the local community had a trust fund to help out, the financial pressure was too great, and Bali had to withdraw from training.

Another young lady from Plattsburgh, N.Y., Gail Ricketson, is hard to make the U.S. team in single shell rowing. The equipment for this sport is not cheap. Her shell will cost about \$3,500. Also, there are the expenses for travel, lodging and meals, et cetera, and she will have to meet these expenses without any assistance from a sports organization.

Mr. Chairman, I am sure that there are hundreds of youngsters all across the United States who are struggling to meet the high cost of training and travel in order to improve their skills and compete in necessary events in order to have an opportunity to make the U.S. team.

I believe that first-class training facilities and funds for travel are expenses that the individual athlete should not have to bear.

The funds authorized in H.R. 12626 could be seed money that would enable the USOC to begin the kind of support our athletes deserve. This legislation will also encourage funds from corporations and other private sources that were previously reluctant to contribute because of the confusion among amateur athletic groups.

Once this effective program has begun, I believe it can be self-sustaining, but it is appropriate for the Federal Government to assist in getting this moving.

I can assure this subcommittee that a significant part of this program is already well underway. The permanent sports facilities being constructed and renovated for the 1980 winter games in Lake Placid are on schedule and will be ready for pre-Olympic competitions in 1979.

Lake Placid will be the most complete winter sports complex in the Western Hemisphere and our talented athletes will no longer be forced to go to a foreign country to practice in any Olympic winter sport. The USOC is inspecting these facilities this week, and I am told that their choice for an Eastern regional training center will be made in the near future.

If Lake Placid is selected, and I am sure it will be, the USOC will not have to be concerned with renovation or construction of sports facilities, and athletes in the United States will have access to one of the finest training sites in the world. USOC would be able to concentrate its Eastern training center funds on administration and operation.

I urge this subcommittee to take prompt and favorable action on the Amateur Sports Act.

Mr. DANIELSON. Mr. McEwen, I thought your statement addressed primarily the aspect of funding and providing of facilities. I do not believe you alluded at all to the structural changes of the organization of amateur sports which are contained in the bill.

Mr. McEWEN. Only briefly, Mr. Chairman, in the opening part where I said to the extent that we could resolve these jurisdictional problems and bring it all under the umbrella of the USOC, I endorse it.

Mr. DANIELSON. I take it on that aspect of the bill you are in full support of the bill.

Mr. McEWEN. Totally. Senator Stevens, I thought, covered it very well, and I am in agreement in it.

Mr. DANIELSON. On the second aspect of the bill of funding, you do state early in your statement that—

I do not believe Americans would favor the kind of complete subsidies for our athletes that are provided by certain Eastern European countries.

I fully agree. That, of course, tends to beg the question. If there is no favoring of the complete subsidy, then it is implicit that there may be a favoring of a partial subsidy.

Would you comment briefly as to what extent you favor subsidizing amateur athletics by taxpayers' money?

Mr. McEWEN. I would, if I might, Mr. Chairman, strike the word "subsidizing." What I am looking at, I am thinking of, for instance, our college teams. Nobody raises a question of any violation of amateur status by the fact that the university provides the bus, however they travel, lodging and meals are provided when they are on the road competing with other teams.

Let me share with you just before your meeting this morning, Mr. Chairman, I called the mother of Gail Ricketson in Plattsburgh, N.Y., and I just wanted to ask her how Gail was doing and where she was.

She was pointing out to me the problems that this youngster has faced. She rowed at Montreal in the 1976 games on our women's crew. She is now training from single sculls.

She graduated from the University of New Hampshire, obtained a position with the University of Pennsylvania as a lab technician because she is majoring in, I believe, biochemistry. She welcomed this opportunity because, being at the University of Pennsylvania, she was at one of the great rowing centers of our colleges and had a fine coaching staff which voluntarily gave her assistance as she was training on the scull keel.

Now comes the point where she has to give up her employment. She can no longer hold a full-time position as a research assistant at the university. She is not to go into full-time training, she has to travel to, I believe she is in Seattle right at the moment, where they are practicing for competitions there.

Once the youngster, Mr. Chairman, makes the U.S. Olympic team, then, of course, they are a part of the team and facilities are provided for training and their accommodations. But it is in that period where they are going through the training and the travel they have to do to go to wherever the trials are being held that this financial burden falls heavy.

I certainly think that support in that regard, and when these training centers are set up, may I say that will go a long way to correcting this problem, I certainly don't think that violates any amateur status and really is not a subsidy, but merely a meeting of costs they are facing.

And for many families, Mr. Chairman, that is a substantial burden. In this case I don't think this family would feel I was violating a confidence; they have borrowed money. They have gone and borrowed money to help their daughter to meet these expenses because they want to see her have that opportunity.

I think all of us would like to see every youngster that has that desire and that ability have the opportunity, and I don't think the individual family should have to go into debt to do it.

Mr. DANIELSON. I fully recognize the problem and the burden which you are describing. I am just asking the question, to what extent do you feel this should be paid by taxpayers' money, by tax collected money?

Mr. McEWEN. I don't know as it will have to be, Mr. Chairman. I think the seed money Senator Stevens referred to in this bill to get these centers started, get this program underway, and the approval that will be placed on it by this Congress through this act and the status given to the USOC, I would like to think that then from private sources the money will flow in where the USOC is going to be able to assist more than they can now these young men and women.

Mr. DANIELSON. Do you feel this should be an absolute one-time funding from the public Treasury or do you feel, in your opinion, there should be an ongoing program of deriving funds, tax-collected funds, taxpayers' money to keep this going?

Mr. McEWEN. Mr. Chairman, if one-time shot is not sufficient, I will be disappointed in my country. I think the people of this country, individually, corporately, foundations, will respond. But I think this is needed to get it structured and underway.

Mr. DANIELSON. You favor then a one-time appropriation, and you would oppose a second dip; is that correct?

Mr. McEWEN. That is correct.

Mr. DANIELSON. I did hear you say that you would be disappointed if there were not enough funds coming in from private sources. I know of no provision of the Constitution or the laws of the United States that protects us from disappointment. Happily, I have never been disappointed.

Mr. McEWEN. I don't think we will be disappointed in this, but I would be if it failed, I think.

Mr. DANIELSON. But a stone wall behind the 1-year authorization and a proper authorization you feel would absolutely be as far as you want to go to invade the taxpayers' money to pay these expenses.

Now, on the use of that money, do you feel it should be used to pay 100 percent of these expenses of travel, lodging, food, et cetera, that the aspiring Olympic athlete has to meet one way or another? Or do you feel there should be a pro rata sharing between the funds collected privately and those from the Treasury?

Mr. McEWEN. I must say, Mr. Chairman, I had not thought of that specific of whether these funds should be segregated or whether they should be commingled with private.

Mr. DANIELSON. I have not thought much on it either. But I asked the question thinking you might have.

Mr. McEWEN. I had not, Mr. Chairman. I am just thinking about it now. I think here with the USOC, as I understand it, the bill provides for their reporting to the President and the Congress annually, as long as we have an organization that is accountable and will account, I would be inclined to see how the USOC would approach that and handle it and leave some flexibility of judgment there.

Mr. DANIELSON. Up to now, without taxpayers' contributions, these sports have survived very well and grown and they have been the subject of great pride to all of us. This would be a departure from the established procedure.

I would assume, I must assume, that the coffers of the Olympic committee and others who are in authority here are not absolutely empty for, if they were, the sports would already have come to an absolute halt.

I do appreciate your comments there. I don't know the answers here, and I am simply trying to arrive at them.

I greatly appreciate your firm position that this should not be more than a one-time dip into the public Treasury. And I also am much impressed, probably because I agree with your statement, that part of the trouble in raising funds is derived from the internecine strife between the organized groups within amateur athletics. It seems like a feud that has been going on and on and on and you may have read in the paper, as I did a few months ago, that the last of the McCoys died.

I would think the same blessings would sometime befall amateur athletics. To me it's unseemly and very unbecoming that people whose proclaimed reason for being is sportsmanship should constantly be taking potshots at each other. It is one of the ironies of life, I guess, but we will see if we can cancel the potshots, and then we will see what we can do with the money.

Mr. McEWEN. Mr. Chairman, this does not relate directly to this bill, but I would just like to cite it as an illustration of where I am concerned about where lines cross and where organizations may be working at cross-purposes to one another, and I say this knowing my friend, Don Miller, from the USOC, is here.

My most immediate Olympic concern, and I am sure you appreciate it, is a little tiny village up in the northern Adirondacks in New York State.

Mr. DANIELSON. Anybody who knows Bob McEwen knows that is an ever present thought.

Mr. McEWEN. You put it very kindly, Mr. Chairman. Some say they have heard ad nauseum about it, but I am concerned and you appreciate it, that they be able to host, on behalf of the United States of America, those games in 1980, because the Soviet Union is going to follow on that summer, and I am sure the commissars have issued the directives as to what should be done, and so this small village has taken on a large undertaking, and I believe they can handle it. But they do need support.

Now, one of the things they have to meet is their administrative budget. As you know, we in Congress passed and the President approved funding for permanent sport facilities. We worked out a solution on their housing through an afteruse as a correctional facility.

But the administrative budget for the operation of the games, the critical part of that is to have additional coin struck and legislation is before our colleagues, Walter Fauntroy's subcommittee in banking. And yet, and I want to talk to Mr. Miller about it today, I have heard that possibly the U.S. Olympic Committee wants a financial coin.

Mr. DANIELSON. Wants a financial what?

Mr. McEWEN. I am sorry, medal, medal struck, an Olympic medal that can be marketed, fundraising similar to what the Russians are doing with financial coinage in this country. And I get concerned that I just cite this as an illustration of what you are speaking about. Sometimes we may get at cross-purposes.

I cannot picture, for instance, marketing both of these.

Mr. DANIELSON. I understand, and I don't disagree with you on that. I think maybe we can get both sides of the aisle together, at least on the organizational aspects of this bill, and we can bring a little peace in this area of strife and then things might move ahead.

Mr. McEWEN. I hope so, Mr. Chairman. I think here we put it clearly with the USOC to decide who would have responsibility for what part. That they would be the organization looked to.

Mr. DANIELSON. We thank you, Mr. McEwen, and I know you have far more exciting things to do though not nearly as important as this.

Mr. McEWEN. No more important and no more interesting.

Thank you, Mr. Chairman.

Mr. DANIELSON. Thank you very much.

Our next witness, I believe this is a panel of two persons. If not we will make a panel out of them, Mr. Robert Kane, president, U.S. Olympic Committee, who will be accompanied by Mr. Donald Miller, executive director of the same.

Come forward, gentlemen, and identify yourselves for the reporter and proceed.

TESTIMONY OF ROBERT KANE, PRESIDENT, U.S. OLYMPIC COMMITTEE, AND F. DONALD MILLER, EXECUTIVE DIRECTOR, U.S. OLYMPIC COMMITTEE

Mr. KANE. Good morning, sir.

My name is Robert Kane. I am president of the U.S. Olympic Committee, and my partner here is the executive director of the U.S. Olympic Committee, F. Donald Miller.

We are dealing today with the most important sportive matter ever considered for amateur sports in this country. The Olympic committee is pleased with and supportive of the provisions of the House bill 12626 introduced by Robert Michel, Jack Kemp, Ralph Metcalfe, Norman Mineta, as the Amateur Sports Act of 1978.

We recognize that this act, companion legislation to Senate bill 2727, which was adopted unanimously by the Senate on May 8, 1978, is the implementing vehicle for the conclusions reached after

exhaustive study by the President's Commission on Olympic Sports.

Mr. DANIELSON. Mr. Kane, since I am certain I can't be outvoted, I hereby approve putting your entire statement in the record verbatim.

Now, that gives you an option: You can read it, if you wish. I would prefer if you just hit the highlights and give us an Olympic performance on how to put a point across.

Mr. KANE. I tried to be a sprinter when I was young, and turned out to be a quarter-miler.

Mr. DANIELSON. At least it isn't the Boston Marathon, because time is going to run out before long.

Mr. KANE. Yes, sir. I quite agree.

I will try to hit the highlights then.

[The prepared statement of Mr. Kane follows:]

STATEMENT OF ROBERT J. KANE, PRESIDENT, U.S. OLYMPIC COMMITTEE

SUMMARY

The Olympic Committee is pleased and in agreement with the provisions of HR bill 12626 because the proposed legislation reflects the provisions of the USOC Constitution and By-Laws as well as the considered opinions of thousands of dedicated amateur athletes, the national amateur sports organizations, and administrative officials concerned with the implementation of a strong program in the USA for sports on the programs for the Olympic and Pan American Games.

Specifically, the bill proposes to establish the USOC as the central coordinating organization for amateur athletic activity in the United States. We welcome, and have already implemented, this challenge.

We recognize that the thrust of the bill is to encourage all national organizations to become active in the programs of the national sports governing bodies implementing the vertical structure of organization. In turn, the bill follows the USOC Constitutional procedures for criteria for members identified as national sports governing bodies.

The provisions of the bill concerning the settlement of organizational disputes over the right to be recognized as a national governing body in a sport are in consonance, again, with the USOC Constitution.

And, finally, the bill recognizes the USOC Constitutional provisions to guarantee the athletes' right to compete in important national and international competitions without fear of penalty or redress from any other national organization.

The USOC also endorses the financial provisions of the act to provide the corporation with a one-time grant of \$30,000,000 to assist in carrying out the provisions of the act.

STATEMENT

Mr. Chairman, members of the House Judiciary Subcommittee for Administrative Law and Government Operations.

My name is Robert J. Kane and I am President of the United States Olympic Committee. I appreciate very much the opportunity to appear before you this morning to express the views of the Committee on House Bill 12626. With me this morning is the Committee's Executive Director, F. Don Miller, and its Counselor, Patrick H. Sullivan.

The Olympic Committee is pleased with, and supportive of, the provisions of House Bill 12626 introduced by Robert Michel, Jack Kemp, Ralph Metcalfe and Norman Mineta as the Amateur Sports Act of 1978. We recognize that this Act, as companion legislation to Senate Bill 2727 adopted unanimously by the Senate on 8 May, 1978, is the implementing vehicle for the conclusions reached, after exhaustive study, by the President's Commission on Olympic sports which we welcomed and supported. The conclusions reached by the President's Commission in its final report, January 13, 1977, were used by the USOC as guidelines in amending the USOC Constitution and By-Laws at its 1977 and 1978 membership meetings.

I would be remiss if I did not take this opportunity to express on behalf of the thousands of dedicated amateur athletes of our country, the hundreds of amateur sports organizations—national and local in character, and the many thousands of

unselfish men and women associated with and pledged to the improvement of amateur sports in the United States, our deep gratitude to the President's Commission on Olympic Sports along with Senators Stevens, Culver and Stone, members of the Commission, for introducing S 2727, and for the four members of the House of Representatives who served on the Commission, Representatives Michel, Metcalfe (a former Olympic gold medalist), Mineta and Kemp for introducing the companion legislation, House Bill 12626, for introducing the Amateur Sports Act of 1978.

Also, for the record it is important to understand that the revised USOC Constitution and the provisions of this bill are the result of many hours of discussions with generous give and take among the national sports governing bodies, the multinational sports organizations and the athletes whose positions on all questions at issue were well taken and documented. These deliberations have resulted in legislation which will enhance the opportunities for American youth in competitions at all levels.

The U.S. Olympic Committee has been acutely aware of its responsibility to exert leadership in updating and strengthening our broad scale amateur sports programs to satisfy the inherent interests and needs of our amateur athletes, create greater public awareness of the benefits of participation in sports programs and achieve excellence in all international amateur athletic competitions in the 32 sports on the Olympic and Pan American Games programs. We recognize it is of the greatest importance to make readily available increased unencumbered opportunities for the youth of our country to participate in a sport of his or her choice as it not only makes a valuable contribution to the total growth of the individual but also strengthens the moral fabric of our society. Further, it is of substantial importance to our country to have well coordinated broad scale sports programs from the "grass roots" level up to and including the elite class for identification and development of potential world class amateur athletes who can represent the United States in international competition with distinction.

To aid in achieving these goals, the USOC has during the last three years at its major membership meetings (with representations of all national governing bodies for sports on the Olympic and Pan American Games programs, national amateur sports organizations and amateur athletes) placed its entire thrust on designing a blueprint for athletic excellence in the United States. With the unselfish cooperation of its membership and within its legal authority amended its Constitution to: (1) refine its organizational structure, (2) define its role as a central coordinating agency, (3) delineate the duties and responsibilities of the national sports governing bodies, (4) establish an Athletes' Bill of Rights, (5) implement procedures for resolution of certain disputes, (6) recognize the role of the athlete in the governance of the USOC and the national sports governing bodies, and (7) integrate the vertical structure in the organization of amateur sports in the U.S.

In addition to the amending of our Constitution it is with great pride that we bring to the attention of the Judiciary Committee some of the USOC's more recent policy decisions which have been adopted to assist our fine young amateur athletes, strengthen our nation's amateur sports programs and are illustrative of the leadership role of the USOC, namely:

1. The establishment of national regional training centers at Squaw Valley, California, the site of the 1960 Olympic Winter Games, and at the former Ent Air Force Base in Colorado Springs, Colorado. Additional training centers will be established, with the next one on the East Coast in the Lake Placid/Plattsburgh region and with others to follow. These training centers provide excellent training facilities, accommodations, feeding, administrative support, medical and trainers' services at no cost to the athlete or the national governing body. These training sites are designed to provide programs for the novice as well as the elite athlete. Athletes who train at these sites are selected by the sports governing body in each sport. To supplement the programs at the training centers selected universities, colleges and secondary schools will be designated to conduct training programs in a given sport.

2. Integrated with each of the training centers we have established a highly sophisticated sports medicine program under the supervision of the recently formed USOC Sports Medicine Committee. This Committee has been given the responsibility to provide tangible objectives and practical, scientific and technical assistance to competing athletes. The major concern at all times is the overall welfare of the athlete. We will maximize results through direct communications and understanding between the athlete, the coach, and the sports science teams. At each training center, programs will be conducted in exercise physiology, pharmacology, biomechanical engineering, nutrition, sports psychology, medicine, orthopedics, and research and development. Results of sports medicine research and studies at the training centers will be widely disseminated.

3. The inauguration of a national coach concept whereby each of the sports governing bodies with competition on the programs for the Olympic and Pan American Games have been asked to select and identify the "national coach" to serve either for a one-year period or for the period between now and the Pan American or Olympic Games. From experience we understand the importance of having the Pan American or Olympic coach selected several years in advance so that the coach can get to know and understand the athletes who are potential members of the team.

4. The adoption of a broad scale Job Opportunities Program providing career employment for elite class athletes who have completed their formal education. Under this program, 87 companies have agreed to employ job-qualified elite class athletes and will permit them time off for regular periods of training and competition, without a loss in pay, and the opportunity for promotion.

5. Four State Legislatures have adopted legislation for those state employees in athletics to be paid while competing in important international amateur athletic competitions. The late Senator Humphrey had introduced federal legislation to the same effect at the last session of Congress.

6. A program to encourage employers to continue salaries of employees for time away from the job when competing in international amateur athletic competitions. With regard to the Olympic and Pan American Games, the USOC has a policy of reimbursing athletes for lost time when preparing for and competing in these Games when their time off from the job without pay is a financial burden to themselves or to their families, if the employers will not do so.

7. The USOC is conducting and underwriting the inaugural National Sports Festival at Colorado Springs, 26-30, July. Competitions will be conducted in almost all of the sports on the programs of the Olympic Games and the Pan American Games, as well as for ice hockey and figure skating on the Olympic Winter Sports program.

Never in the history of the Olympic movement in our country has the USOC been more disposed to adopting progressive legislation in our Constitution and inaugurating new programs designed for the improvement of our posture in international amateur athletics.

I would like to praise the unselfish and unstinting efforts from all of the nation's amateur athletic organizations in helping us to frame a new USOC Constitution (Appendix A) reflecting the overall views of these amateur athletic organizations as well as the views of the many athletes on our Athletes' Advisory Council (selected by the athletes themselves), twelve of whom are now elected by the Council to serve on our Executive Board. These organizations at our annual membership meeting, April 14-16, 1978, at Lake Buena Vista, Florida, unanimously voted to support Senate Bill 2727 and its companion bill in the House of Representatives which we are discussing today.

The USOC is unqualifiedly supportive of the Amateur Sports Act of 1978. It should be understood that the new Constitution of the USOC represents an amalgamation of ideas and consensus of proposals by all national amateur sports organizations concerned with the sports on the Olympic and Pan American Games programs, along with duly elected representatives of our Olympic and Pan American teams, and representatives from the private sector serving as members of our State Olympic Organizations.

TITLE I—CORPORATION

The USOC accepts the designation as the Corporation to be the central coordinating organization for amateur athletic activity in the United States. To this end the USOC Constitution implemented the areas covered in recommendations of the President's Commission on Olympic Sports:

(1) A central policy-making forum to identify U.S. sports problems and to effect solutions;

(2) A means to induce all national amateur athletic organizations with significant national problems in the sports on the programs on the Olympic and Pan American Games, as well as, those sports which are recognized by international sports federations in those sports which might be added to the programs of the Olympic and Pan American Games in the future;

(3) A means to settle organizational disputes over the right to be recognized as a national governing body in a sport, by clearly stating the conditions under which a challenging national sports organization must follow when seeking recognition, including binding arbitration under the auspices of the American Arbitration Association;

(4) A means to guarantee an athlete's right to compete.

Under this section the USOC was cognizant of the long-standing policy in the United States for members of the school-college community to control closed or restricted competitions for those members representing colleges or secondary schools. We support legislation which will introduce the principle of satisfying academic requirements in any decision for the denial of any student in the college or secondary school community from participation in unrestricted international amateur athletic competition.

It is significant that the NCAA Council at its August, 1977 meeting adopted a resolution contemplating the NCAA rejoining the USOC "subject to the development of satisfactory legislation," which states in part:

"The USOC has undergone a substantial internal reorganization, adopting or implementing many of the principles advocated by the Association (NCAA) both at the time of its resignation from the USOC and before the Congress and President's Commission on Olympic Sports * * *. In general and in most particulars, the NCAA Council believes that this reorganization is responsive to and in accord with the best interest of the Association and its members, as representatives of a major segment of the American amateur athletic community."

We are pleased to report that the NCAA rejoined the USOC 15 April, 1978. President Neils Thompson welcomed the opportunity to rejoin and promised full support of his important organization in all endeavors of the USOC.

TITLE II—NATIONAL GOVERNING BODIES

In drawing up Constitutional provisions for the duties and responsibilities of national governing bodies, the USOC was guided by the recommendation of the President's Commission that "every NGB adopt a strict vertically structured organization wherein the democratic electoral process is used." Furthermore, the USOC recognized an additional recommendation that "each NGB is encouraged to be the leader in the U.S. development activity in its sport. As such, each NGB should be sensitive to all national level constituent groups with development programs." We strongly support the creation of strong national governing bodies which are truly "national," "governing" and "autonomous" with a clear definition of their jurisdiction and that of any other organizations, together with the provision of safety valve against alleged abuses of power by organizations having any kind of jurisdiction over amateur athletics.

Most of this has been accomplished under present law by the restructuring of the USOC and substantially all of these improvements are confirmed, with minor variations of language, in the proposed Act.

Furthermore, federal legislation should include, and now does include, among the conditions of recognition as a NGB, 201(a)(4), that the organization be autonomous in the administration of its sport, and to that end shall exercise independent jurisdiction and control over the administration, eligibility, sanctioning authority, representation, and the rules of competition for its sport.

It is the policy of the USOC to have the United States determine the eligibility for recognition of any national sports organization making application for a franchise, before invoking the machinery for challenge and recognition. For The United States governing bodies to remain strong, their basic eligibility must be determined in this country, not at the seat of the international sports federation.

It is considered a requirement by international sports federations that national members have the power to sanction international amateur athletic competitions at home and to sanction all international competition abroad involving all USA athletes, as well as to coordinate the domestic competition of the many member organizations and other national organizations with programs in the sport. Thus, we are supporting the minor change in the definition of international competition, Sec. 203 (Sec. 103(5) of the Act).

Although the President's Commission recommended that sanctions for any international competition be granted by the NGB unless it could be determined that such competition did not meet criteria in both the proposed legislation and the USOC Constitution, there are two major areas of difference:

(1) The proposed legislation requires the honoring of a request for sanctioning from any sports organization or individual only for international amateur athletic competition unless the NGB determines that certain criteria are not met, and,

(2) The USOC Constitution limits such honoring of requests to amateur sports organizations which are members of, or affiliated with, Group A members—in line with the principle of vertical structure.

We strongly support this provision in the USOC Constitution since it has been subscribed to by all amateur sports organizations, NGBs, national sports organizations, and our Athletes' Advisory Council.

Resolution of certain disputes (complaint and challenge procedure)

The provisions for the Resolution of Certain disputes (Sec. 204, Sec. 205) contained in the legislation are in consonance with the provisions of the USOC Constitution and By-Laws.

I would mention that the present USOC constitutional procedures were formulated only after months of strenuous discussions among interested parties, including all NGBs, the school/college community and all major national multi-sport organizations and the amateur athletes. The procedures represent a consensus of these groups in securing agreement on the provisions of this important section of the USOC Constitution, which also is a part of the legislation HR 12626, we compliment the sincerity of the amateur sports organizations for their unselfishness to agree on procedures which are in the best interests of the total amateur sports program in the USA.

For example, the USOC Constitution limits the complaint procedure to internal action within the USOC in all cases, and makes it available only to members of the USOC Executive Board and to those organizations which belong or are eligible to belong to the national governing body. This feature has been incorporated in HR 12626.

TITLE III--ATHLETES' RIGHTS TO PARTICIPATE

At the 1974 USOC Membership meeting in Orlando, Florida, we adopted the first national Athletes' Bill of Rights. The provisions of this section were strengthened at our 1977 Membership Meeting in Colorado Springs, Colorado, incorporating the consensus of the views of our Athletes' Advisory Council which recognizes the restrictions heretofore imposed on an athletes' freedom of choice in selecting international amateur athletic competitions. These provisions were modified and incorporated in S2727 upon the agreement of all national amateur sports organizations.

The USOC regards the athletes of the United States as its most prized constituency. The Olympic Games and all international amateur athletic competitions are conducted for the benefit of the athletes. The current USOC Constitution provisions for the Athletes' Bill of Rights, Article II, Sec. 6, Sec. 7, Sec. 8 and Sec. 9 not only reflect the views of the athletes but they also have been subscribed to, again, by all members of the amateur sports community, and HR 12626 is consistent with these provisions.

FEDERAL FINANCIAL ASSISTANCE

The report of the President's Commission faced the need of federal financing by stating, "financing amateur sport is critical to our continued success in international competition. With the exception of the military, no organization(s), private or public, gives the athlete the kind of financial assistance he or she needs to develop."

As we stated above, the Olympic movement and amateur sports programs are in dire need of substantial financial assistance. Therefore, we are extremely grateful that the proposed legislation makes provision for the Secretary of Commerce to supply funds to assist the Olympic and amateur sports programs through two grants:

- (1) \$18,000,000 to help finance the development of broad participation in amateur sports and for other programs authorized by the United States Olympic Committee, and,
- (2) \$12,000,000 to help finance the administration and operation of the National Training Centers for the furtherance of amateur sports development, research, medicine and education.

The USOC will continue to work closely with the private sector to also contribute sizable sums of money to make our National Training Center Concept permanent.

We recognize that the provisions grant in powers to the Secretary of Commerce for a one-time, no strings attached appropriation (other than review of each project by the Secretary) will assure a strong start for our programs, as well as, indicating to the private sector the importance of their participation in helping to reach the level of excellence in many sports which simply have not had the necessary funds to achieve this goal in the past.

The International Olympic Committee and the international sports federations endorse a policy of federal assistance where there is no federal intrusion and there are no strings attached to the reasonable use of such funds. The USOC understands its responsibility to the Secretary of Commerce, the Congress of the United States, the People of the United States, and to the amateur athletes for the administration of the disbursement of these funds.

The budget for the last Quadrennium (1972-1976) was \$13,000,000 and for the current Quadrennium (1977-1980) has increased to \$26,000,000. We are grateful that

in the past the private sector has supported our program generously and we are confident that the people of America will again help us achieve this goal recognizing that we have increased our current budget figure for development from \$2,000,000 to \$9,200,000.

But the need for additional funds is the direct result of our studies indicating the need for direct assistance to the NGBs and for the administration and operations for our National Training Centers and sports medicine programs.

In considering the proposed legislation it is important to recognize the rules of the International Olympic Committee and the international sports federations, where applicable. Furthermore, we respectfully call to your attention the provisions of our current Constitution in which many of the recommendations of the President's Commission on Olympic sports, the duly elected members of the Athletes' Advisory Council, and contributions of representatives of the NGBs and the national multi-sport organizations which have provided a consensus which will enhance amateur sports in the U.S. and strengthen the moral fibers of our society.

The USOC is grateful for the concern and cooperation of the members and staff of this Committee and members of the Congress in proposing the Amateur Sports Act of 1978, and I pledge the cooperation of the USOC and its members in supporting the passage of this significant legislation.

Further, I pledge the full cooperation of the USOC and its members organizations to administering the Amateur Sports Act of 1978 designating the USOC as the nation's central coordinating organization for those amateur sports on the programs of the Olympic and Pan American Games.

Thank you.

I understand that yesterday there were witnesses who appeared before this committee and suggested that there was no need for the Federal Government to infuse this one-time appropriation of 30 million dollars into amateur sports; further, some of these witnesses suggested that the private sector could be relied upon to support amateur sports with financial contributions. Mr. Chairman, the USOC is the most successful fund-raiser in amateur sports, and although we have been successful in raising money from the private sector, we have never been able to raise as much as we need to fulfill the requests of the national governing bodies for funding. In fact, we are frequently asked by leaders in business and industry what the Federal Government is doing to help our Olympic effort. Many of those leaders have suggested that they would be more inclined to contribute if the Government offered some stimulus. We believe that this 30 million dollars is the stimulus that is needed and the "seed money" that will result in increased support from the private sector. The Report of the President's Commission on Olympic Sports concluded that "implementation of the Commission's recommendations in public sector financing will have a stimulating effect on private sector financing."

In our last quadrennial, between 1972 and 1976, the USOC distributed 2 million dollars to its member national governing bodies, but requests for funding from those same national governing bodies totaled 37 million dollars. For the quadrennial which ends in 1980, the USOC has a budget of 26 million dollars, \$13,350,000 of which is allocated for development programs, team preparation and trials for the 1980 Games. In other words, without the support of the USOC, the organizations which govern the 34 Olympic and Pan American sports would have to raise over 13 million dollars from the private sector—a feat which they have never accomplished in the past and which they cannot accomplish at present.

For example, the assets of the sport of luge were under \$100, while the USOC gave to that sport \$65,000 during 1977 and 1978. During that same period the USOC gave \$1.5 million to the eleven Olympic sports governed by the Amateur Athletic Union (AAU). The point is that it is beyond dispute that amateur sports needs more money—both for grass roots development, as well as for Olympic and world-class programs—than it has been raising in the private sector. It should be made clear that national sports governing bodies are responsible for beginner, intermediate, advanced, and elite development in their respective sports. The Federal money authorized in this legislation is designed to accomplish increased organization and participation in sports at all these levels of development.

The President's Commission on Olympic Sports concluded that an initial infusion of 215 million dollars, followed by annual funding of 83 million dollars was required for amateur sports. The important fact is that we are only asking for 30 million dollars—a small amount by the President's Commission on Olympic Sports' standards. We believe that this money will serve two purposes: first, it will be an incentive to organizations to expedite the restructuring called for in other sections

of this bill, and, second, it will enable national governing bodies to organize efficiently at all levels of development so that they can become self-supporting; some may be able to employ full time administrators for the first time.

This latter point is critical to an understanding of the President's Commission on Olympic Sports' recommendations and the intent of the Senate embodied in S. 2727. Meaningful restructuring cannot occur without funding. Like any small business, national governing bodies cannot become self-sustaining without the initial capital that allows them to take advantage of income-producing opportunities. What amateur sports needs is this initial, one-time capitalization to prevent us from sliding backward between now and 1980, thereby giving us the opportunity to move forward to develop sports opportunities for all without the need for continuing federal funding.

Mr. KANE. The whole matter is so important to us that we want to be very careful to get the facts before you.

So I will try to skim through it and, by the way, one of the reasons I went to the quarter mile was because I ran against Ralph Metcalfe in the 100 and 200.

Mr. DANIELSON. I am glad I never had that fate.

Go ahead.

Mr. KANE. I would like to say at the outset that the U.S. Olympic Committee and all of the people who deal within that committee, the national governing bodies, the athletes council, the school-college, community, and multisports organizations all have one purpose in mind, despite our internecine conflicts that have been historical, and that is to do the best we can for our U.S. athletes.

In effect, we boil the water, they drink the tea, and what we are trying to do, to the best of our ability, is to be sure that the tea isn't bitter tea.

We are for the first time in history, all of the elements of the amateur sports communities in this country, are together. When I was competing there were problems, before I competed there were problems. I have spent my whole life in the administration of college athletics. I was director of athletics at Cornell University and dean of physical education and athletics there. And through that whole period there were conflicts.

Through the recent restructuring of the U.S. Olympic Committee we have all of the elements of the amateur sports bodies in this country together, and we have the opportunity of doing greater things for amateur athletics than at any time in history.

We are at that juncture right now.

You made a statement, sir, that we must be well heeled because we have not had these financial problems.

Mr. DANIELSON. No, I didn't say you were well heeled. I said the coffers were not absolutely empty.

Mr. KANE. The coffers are not absolutely empty, but the coffers at our disposal would not last us 6 months of a quadrennial period leading into the Olympic games.

Now, I think what you have to understand, and your committee has to understand and all of the people who are interested in amateur sports have to understand, is that there is a new arrangement.

The national governing bodies in all of the sports are now under the banner of the U.S. Olympic Committee. We have through all history really depended on the school-college community, with their wonderful facilities which are the best in the world.

We are absolutely unique in the world in having the programs that we have on the school-college level to provide the basic source of our athletic talent for international competition.

Without those facilities, without those coaches, we would really have nothing of worthiness to compete on an international level.

I noticed as I came in today that there was a document for Real Sports, Inc., which to tell you the truth I had never heard of before, and it has what I think is a very worthwhile crusade, and that is to get more black, minority athletes involved in more of the Olympic sports.

I think you might all be very surprised that there are 32 Olympic sports in the winter and summer sports programs, and only 10 of them are competed very energetically in the high school and college community.

So we have, in other words, 22 sports where not only the black community, the minority groups, but none of our youngsters have the chances they should have to compete in those other sports. And for the first time the U.S. Olympic Committee is taking a 4-year role in trying to better our underdeveloped sports, our emerging sports, so that they will have the same opportunities as those 10 sports that are very well taken care of on the school-college community level.

Mr. DANIELSON. Let me interrupt for a moment.

I am most grateful that you brought this up, because I have been asking for 2 days and I don't have the answer yet, I think I finally found somebody who has it, I have not been asking publicly, I have been inquiring of staff and the like, I would like a listing of what are the Olympic sports, summer and winter. You say there are 32, if you aggregate them; this is the first time I have known that.

Second: you have indicated that only 10 are the subject of competition in our schools and colleges. I could not get anybody to represent to me that the list in this booklet. Is the list, page 25?

Mr. KANE. Sir, page 25 lists the Olympic sports on the winter and summer programs and also those on the pan-American program.

Mr. DANIELSON. There are a combination.

Mr. KANE. A combination?

Mr. DANIELSON. I don't think I will worry about that, because each of those two categories has the same standing in this debate, as I understand it.

Mr. KANE. Yes, sir.

Mr. DANIELSON. On pages 25 and 26 there is a listing and this is the aggregate of Olympic plus pan-American; is that correct?

Mr. KANE. That is right, yes.

Mr. DANIELSON. Can you tell me, and I will leave you alone on this point then, which are the 10 that are college?

Mr. KANE. I should have had them all enumerated here, but I will go through it.

Mr. DANIELSON. Start with archery.

Mr. KANE. Archery is not, as listed here, but that is really men's and women's track and field.

Mr. DANIELSON. Is that college?

Mr. KANE. Oh, yes. I will pick out the college.

Mr. DANIELSON. That is all I am interested in.

Mr. KANE. Now, baseball is Pan-American, but not Olympic, and I guess my statement had reference to an Olympic, not Pan-American, but that is, of course, a basic college-high school sport. So is basketball.

Then we go down to fencing before we find another one.

Gymnastics is also, ice hockey is college.

Mr. DANIELSON. It is in college?

Mr. KANE. Yes, sir. Too many people from Canada, but it's certainly college; rowing; skiing; soccer; swimming; tennis is again pan-American, but not an Olympic sport; wrestling, and that is it.

Mr. DANIELSON. OK. I get 12.

Mr. KANE. That is 12, because 2 are Pan-American. I think my statement had reference to Olympics.

Mr. DANIELSON. Tennis and baseball were pan-American. That is the first time we had that in the record. I won't interrupt you any further.

Mr. KANE. I wish you would because I lost my place.

Mr. DANIELSON. You had been referring to Real Sports, Inc., and their effort to get more black athletes involved in these sports, and you pointed out that of the 32 winter and summer sports only 10 have college competition, and you are at least implying that part of the reason is they can't get into them through colleges.

Mr. KANE. The opportunities are so much fewer for the other sports that we are trying to do something about that, and we have created two national training centers, one at Squaw Valley and one at Colorado Springs. We hope to have three or four more geographically dispensed national training centers throughout the country.

We are hopeful also of using college facilities during the summer months to help some of the sports when the college facilities are not fully used by the members of that college community. We are trying to do all of these things, and as already has been stated, we have established a sports medicine program in this country, and we are quite a way behind Europe and countries in this regard.

We are trying to have a focus on Olympic activities and to keep our young athletes with a goal in mind through the 4 years rather than just the Olympic year, so we are starting for the first time in this country a national sports festival, which is in effect our own Olympics for just our U.S. men and women athletes, and all of the programs on the summer Olympic program will be competed for at Colorado Springs July 26 through 30, but also ice hockey and figure skating will be on that program.

These things all cost money. As I said, I guess earlier, that the USOC has not really taken too much of a role in putting on such things in the past because, first of all, we have not had the resources to do it and it really has not been our role to do it until we restructured this past time, and we hope by becoming the coordinating body for amateur sports in this country that we can take an overseer role over all amateur sports, most particularly the ones on the Olympic and pan-American program, but overall amateur sports, and try to help all amateur sports.

I think we are the one sports organization in the world that has the capacity to raise money to help all amateur sports.

Right now we need a lift. We need a lift through this transitional period to give us the leg up to do these things. The last Olympiad leading up to the 1976 games we raised \$13 million. That is the most we ever raised in this history of the Olympic games.

Mr. DANIELSON. Was it \$30 million or \$13 million?

Mr. KANE. It was \$13 million, that is the most we ever raised. That was our budget and we just about made it.

Now, this time we have increased our budget to \$26 million, and if Cornell Miller and I look a little haggard you know why; we are out with a hat in our hand all over the country, but we are doing very well.

I think there has never been a time that Olympics have been held in higher regard than they are right now. We are fortunate. This is a very exciting and rewarding time to be president of the U.S. Olympic Committee, so we are very grateful.

I was not able to be heard yesterday, and I understand some of the witnesses yesterday felt the private sector could be relied on to support all of the financial considerations and that we didn't need any help.

I wish I could support that. Although I worked for a university for a long time and I spent a lot of my time out raising money, I don't like the role. I wish we didn't have to come to you for help, but we do.

The USOC is the most successful fund raiser in amateur sports. There is no question about that because, on the record, that is true. We have been successful in raising money from the private sector. It's a very hard role, though. It takes time and you have to make the calls. We are getting, as I said, wonderful support.

When we go out, I must say, that the business community wonders why the Federal Government does not help us, and for the most part—

Mr. DANIELSON. I am going to make another interjection, if I may.

I am sure they wonder why the taxpayers do not put up their money. But, I also am aware that each day I receive letters and phone calls and read newstories and editorials to the effect that the Congress is nothing but a bunch of wastrels who throw away the public funds.

So as far as I am concerned, I have heard it from both sides, and I know that we are presumptively nothing but wastrels who give everybody that comes up with a tincup a full bunch of ducats.

I am accustomed to people asking for ducats, and I still intend to give some where I think it's a worthy cause, but I have very little respect for the people in the private sector that come up with the cup in hand one day and the tarred paintbrush the next, because it's unbecoming.

Mr. KANE. I wish I had been able to finish my sentence.

Mr. DANIELSON. You will be able to as soon as I finish mine. I have now finished.

Mr. KANE. What I was going to say was probably the real reason the Federal Government had not helped us was because we had not asked for it until now.

Mr. DANIELSON. That's right. But I see you have not departed from the normal custom of sooner or later asking for the money from the Treasury. Everybody does it. So it's not unusual.

Mr. KANE. We belong to this United States, too.

Mr. DANIELSON. That is correct, and I still vote for appropriations for which I am damned on the one hand and praised on the other, and it does not bother me too much.

Mr. KANE. I would feel a little sheepish about this if it were for myself, but it isn't, so I will go right on.

We feel the \$30 million involved in this bill is seed money for what we hope is a chance to give us the lead into this bigger and more wonderful program in which thousands and thousands more of our young people will be involved and give us a chance then to move onto raising our own money.

We do not want to come back to you for additional grants. And what is more, I am sure you have the courage and integrity to tell us to get out if we do. But we have no intention of coming back to you. This is a one-time only, no strings attached grant, I hope.

I will guarantee you that we will not come back while I am having anything to do with it, and I can't promise, I am not clairvoyant, but we don't want to come back.

Mr. DANIELSON. I hope you have a lot to do with it for a long time, because I kind of like your approach.

Mr. KANE. Thank you, sir.

Now, we are helping the national governing bodies to do their jobs. We are trying to help more than the others even those that are in charge of sports that have not been very well developed in this country. This responds, I think, again, to the request and the crusade that Real Sports, Inc., has in mind, and I agree with their whole thesis.

Some of the programs we hope to evolve out of this transitional period are ones that will not involve support from the Government Treasury but we would like some assistance in getting at them. That is more or less solace and intercession, however, and not grants.

We do have an intent in having commemorative coins for the USOC. We are in favor of using the tax form as a means of voluntary contributions to amateur sports in this country.

We are in favor of having an excise tax on professional sports to a small extent to help out amateur sports. We are in favor of some consideration of a modified lottery system, and to perhaps a stamp program for the benefit of amateur sports. So we are hopeful of having intercession but we don't want to come back for money.

Gentlemen, I probably left out too many things, but I will be very pleased and Col. Miller can keep me on track, and I will certainly pass the stick to him.

I do want to mention one thing, the job opportunities program. There has been a good deal of conversation about this. I have mentioned the fact that too many of our young people are not able to take part in 22 of the 32 Olympic sports. Also, we have had very little opportunity for the post-college athletes to take part for a couple of reasons:

One: They are not subsidized special auxiliaries, they have to go out and work. We have a job opportunities program now in which

87 business and industrial organizations in this country have agreed to give qualified Olympic potential athletes a chance to work in their organizations, and to give them time to train and to compete through the next Olympiad.

I would like to point out that our Olympic teams are on the average of the past three sets of games about 25 years of age and actually for the 1976 team it was 25.3. So, you can see that the maturity has something to do with their becoming world-class athletes. But we have too few of those who have the chance to compete.

First of all, not all of them live in metropolitan areas where there are competitions for post-college athletes and the other reason is the one I just cited, that they were not able to have a job and compete, too, so this is another phase of the work we are now into.

Mr. DANIELSON. How do you try to address that?

Let me give you a hypothetical case. You have some young person out in Hyannis, Nebr., and I can guarantee you there are no first-class athletic facilities within a reasonable distance.

Now, is that person, you want to bring them along and give them a chance. How do you do it?

Mr. KANE. The national governing bodies have each of the sports of jurisdiction within their sport. They know the people, they know the athletes, they know the Olympic potential. They recommend their Olympic potential athletes to us and we buck it through the job opportunities program, Howard Miller is the chairman, and we have Willie Wythe, former gold medalist, and Willie, by the way, is a woman's name, who works and deals with us.

Then we try to correlate their abilities and talents to those within the 87 different business and industrial organizations and particularly the ones in that area of the country where they can get jobs.

Mr. DANIELSON. Do you move the young person? I heard yesterday there is a great ice skating place up in Wisconsin; West Alice or something like that. Suppose you have this young person who has tremendous potential in ice skating; do you move that person, do you try to move that person to Wisconsin and find him a job in the area?

Mr. KANE. Yes, sir; we try. If some of our speed skaters want to go to West Alice we would try to find them positions in that area.

Mr. DANIELSON. That is what I meant. You try then to assist them in finding a means of livelihood which is geographically accessible to a place where they can do the kind of training which they need to do in order to develop their potential; is that the idea?

Mr. KANE. Yes, sir; that is the idea.

Mr. DANIELSON. I didn't want to interrupt, but I didn't understand that and that is what I was getting at.

Mr. KANE. Yes, sir.

During the last set of games, in trying to take a continuing overseeing position over amateur sports we asked the national governing bodies to appoint national coaches, so the national coach would have a 4-year period to look over the athletes, the potentials for the upcoming set of Olympic and Pan-American games and to

keep a ready access with them, and that has been a very effective program, too.

It developed through 1972 to 1976, and now it is working out very well during this Olympiad.

Sir, I would be glad to answer any questions.

Mr. DANIELSON. Thank you. I do have a few. I will try to ask them as precisely as possible, and I respectfully request you try to answer them as responsively as possible. I am thinking of the clock up there, and I have other magnificent witnesses here. But I can only put in so much time.

You have referred, as have other witnesses, to national training centers. At present there are how many and where are they?

Mr. KANE. There are two, one at Squaw Valley, Calif., which is at the site of the 1960—

Mr. DANIELSON. I know where it is, and the other?

Mr. KANE. And Colorado Springs, at what was former Ent Air Force Base, which was abandoned as an Air Force base about 1½ years ago.

Mr. DANIELSON. Do you have any plans to establish other national training centers?

Mr. KANE. Yes, sir; we hope to have five or six eventually geographically dispersed.

Mr. DANIELSON. Are they all to have the same types of facilities, or are some oriented to winter sports and others to summer sports?

Mr. KANE. Some are more oriented to winter sports than others. It's very possible that the Lake Placid-Plattsburgh area might eventually become a national sports area and, as we all know, that would be more oriented to winter sports and summer sports.

Mr. DANIELSON. Though they probably could do the summer sports things as well.

Mr. KANE. Plattsburgh has an excellent summer sports facility. In fact, it was the staging area for our Olympic team on its way to Montreal in 1976.

Mr. DANIELSON. Do you have any other tentatively in mind?

Mr. KANE. No, sir.

Mr. DANIELSON. I have received communications from various persons who apparently are interested in having their particular place, for instance, Northern Michigan University at Marquette feels it would be preeminently qualified as a Midwestern training center.

Are these training centers supported financially by the Olympic committee?

Mr. KANE. Solely.

Mr. DANIELSON. Squaw Valley is still the property of the State of California, is it not?

Mr. KANE. Yes, sir.

Mr. DANIELSON. But it has been turned over to the committee for use?

Mr. KANE. Yes, sir.

Mr. DANIELSON. Does the State provide any financial support for the maintenance or operation?

Mr. KANE. No, sir.

Mr. DANIELSON. I am sure glad you got that off our back. I was in the California State Legislature, and we all hoped lightning

would strike and burn it down some day, because every year we poured money into it and nothing ever came out.

Mr. KANE. I hope you don't feel that way now.

Mr. DANIELSON. No. I am happy.

Thank you very much for taking it off our back.

Now, Colorado Springs, that I presume is a Department of Defense Air Force property? But you folks—

Mr. KANE. It has been transferred to the city of Colorado Springs, sir.

Mr. DANIELSON. That is off our Federal taxpayers' backs then?

Mr. MILLER. Yes.

Mr. DANIELSON. Wonderful. And they have, in turn, given the use of it at least to you people?

Mr. KANE. We have a longtime lease on the property.

Mr. DANIELSON. I think that is splendid.

Now, my memory may be incorrect. You probably wonder why I am always worrying about the dollars, but they are tough, believe me. We are spending \$500 billion of them this year, and we are running a \$45 billion foreign trade deficit. Let me ask you, a few years ago, Colorado had been proposed as the site for the winter Olympics.

The question went on its ballot and it didn't reach unanimous approval, as I recall, and, as a result, the winter Olympics were, I guess, it's this next bunch that was being considered.

That was the Innsbruck games?

Mr. KANE. The Innsbruck games.

Mr. DANIELSON. The taxpayers didn't rise in unanimous support of the approval.

Mr. KANE. To be sure.

Mr. DANIELSON. Now, I find you are back in Colorado, and it intrigues me, can you explain why you are there?

Mr. KANE. We are long suffering, Mr. Chairman.

Mr. DANIELSON. Anyway, more power to you on that.

The money in this bill, a portion of it would be, as I understand it, used for the purpose of establishing some of these other training centers, or am I wrong?

Mr. KANE. No, sir. The only moneys involved in this bill would be to create equipment and to explore other possibilities, but there are no capital expenditures contemplated in this bill. It's operation and maintenance, but not—I don't think we would get very far in creating national training centers with a \$12 million grant.

Mr. DANIELSON. Do you plant the seed and the tree grows?

Mr. KANE. That is what we hope to do.

Mr. DANIELSON. You mentioned, and so have other witnesses, the sports medical or medicine program. I don't feel adequately knowledgeable on that. Would you give me a little bit of information?

Mr. KANE. I must tell you, sir, I don't feel adequately knowledgeable either on that. This is a very technical kind of thing. But I would like to read what our Sports Medicine Committee, which is composed completely of doctors, is doing in this area.

Mr. DANIELSON. Can you tell me from what you are reading because we may have that.

Mr. MILLER. This is in response to an inquiry from letters to Senator Stevens, and it's contained in the report of the Senate Committee on Commerce, Science, and Transportation.

Mr. DANIELSON. We have it, and can you tell me the page where it starts?

Mr. MILLER. Page 15.

Mr. DANIELSON. Thank you very much. That will save us a little time.

Mr. KANE. All I would be doing is reading it.

Mr. DANIELSON. I know, and I will read it. The point is I am still fighting the clock, so I will leave the medicine for a moment.

You referred to a national sports festival which you are commencing. I got the feeling that you hope this would be an ongoing program.

Mr. KANE. It would be held in every year except the Olympic year.

Mr. DANIELSON. What is this, a sort of mini-Olympics?

Mr. KANE. It would be our own U.S. Olympics with all of the summer sports on the Olympic program plus figure skating and ice hockey of the winter program.

Mr. DANIELSON. Which can be done on an interior rink, as I understand.

Mr. KANE. Which will be done at this time at the Air Force Academy.

Mr. DANIELSON. You are doing it this year July 26 to 30?

Mr. KANE. Right.

Mr. DANIELSON. I take it the idea here at least in part would be to give these young people an opportunity for keen competition under full dress circumstances, and to stimulate public interest.

Mr. KANE. That's right.

Mr. MILLER. Exactly.

Mr. KANE. It's surprising how little competition there is in this country during the summer, the best months for competition involving summer sports. Now, it's true that some of our, I don't like this word but it's what they say, elite athletes do have a chance, but mostly they are traveling to Europe to do it.

Now, our swimmers are invited every place during the summer, but there is very little competition in this country, very little really for blue chip sports such as track and field during our summer months.

It goes right back to the fact that mostly we depend on the school-college community to develop these programs. So we are trying to do this and we are trying to do this not just for the Olympic potential athlete but for all athletes and to give them a focus of attention and to open up facilities during the summer that are not opened up now, school-college facilities are sometimes closed during the summer.

We want to open them up, and we want to use our national training centers to give these people a chance.

Mr. DANIELSON. But this sports festival, if it succeeds, hopefully, would be a supplement to the actual Olympic games? It would be something local, I mean by that United States?

Mr. KANE. Just U.S. athletes.

Mr. DANIELSON. In the non-Olympics years?

Mr. KANE. That is correct.

Mr. DANIELSON. If you get more sports or training centers, I presume you would use a different one different years to pass the favors around?

Mr. KANE. We have had I think two others that have applied for the next years, two other cities that have applied for the next years sports festival.

Mr. DANIELSON. Thank you. Last, I do know Olympic games are held in years divisible by four. When are the Pan-American games?

Mr. KANE. They are 1979; it's the year before, and they are at San Juan, P.R. this time.

Mr. DANIELSON. Are they at a regular 4 year sprocket also?

Mr. KANE. Yes, sir.

Mr. DANIELSON. Thank you.

That is all I have.

Mr. KANE. Could I say one more thing because I was a little disappointed in this presentation.

There are two very brief things I want to say, and I want to give this to you before I leave.

We have for the past two sets of Olympic games been third in the medals race. I know medals are not supposed to be touted in Olympic games but, nevertheless, the media all do it, and everybody referred to Russia, East Germany have not gotten more medals than we have in 1972 and 1976 games.

I want to leave this with you, but I want to point out how it has been done, and if I were in their position I would have done the same thing, I am sure, because the United States used to win the games all of the time without really trying very hard, and they decided, where are these guys weak, so they knew where we were weak and it's the very sports I have mentioned too many times here.

So, in 1976 Russia won, Russian athletes, men and women, won 57 gold medals; East Germans won 40, and the United States 34 gold medals; Russia won 10 medals in Greco-Roman wrestling; we won none and 7 of those 10 medals were gold; they won 5 gold medals in weightlifting and 3 silver; we won 1, a silver; they won 5 gold medals and 3 silver in canoeing and we won none, and I am not going to go over all these statistics.

We won a very prestigious medal in basketball, but it was only one medal.

Mr. DANIELSON. I get your point there.

Mr. KANE. Now, the East Germans won 40 gold medals, 25 were won by women; our women won 2. That is why we have got to give our women more of a chance.

Mr. DANIELSON. We can turn our women loose on them and we will come home with all of the medals.

Sir, I thank you and, without objection, the gentleman's list of medals will be included in the record.

[The information follows:]

1976 MEDALS AT MONTREAL

	Gold	Silver	Bronze
Men:			
Russia	57	35	25
East Germany	40	25	25
United States of America	34	25	25
Women:			
Russia	12	14	11
East Germany	25	15	12
United States of America	2	8	6

Notes:

The Russians won 10 medals in Greco-Roman wrestling, 7 gold; we won none. They won 5 gold medals in weightlifting and 3 silver; we won 1, a silver. They won 5 gold medals and 3 silver in canoeing. We won none.

East Germany won 11 of the 13 events in women's swimming.

United States of America won in men's track, 6 gold medals, overwhelmingly in men's swimming, 12 gold and first in men's basketball, 1 gold only. We won a second in women's basketball, one silver, and we did beautifully in boxing, 5 gold, and in archery, 2 gold.

Mr. DANIELSON. Mr. Kindness, please?

Mr. KINDNESS. Thank you, Mr. Chairman.

I just have a couple of questions.

I appreciate your testimony very much, sir.

For the record, could you give us a statement approximately of the revenues the U.S. Olympic Committee derived from television rights in 1976? What is the prospect there?

Mr. KANE. Sir, we don't get any television rights. You are talking about the games themselves. No, the television rights for the games are all going to the organizing committee of the country where the games are held, two-thirds for the organizing committee or the city, and one-third to IOC. We do not share in that at all.

Mr. KINDNESS. Right. I am glad to have that cleared up for the record.

There is another area of inquiry that I would like to get cleared up, and that is the revenues derived from the sale or use of the symbol or insignia and/or trade name, so to speak, of the U.S. Olympic Committee.

Mr. KANE. Cornell Miller.

Mr. MILLER. Sir, do I understand your question to be how much money is generated through the use of our logo in association with corporations identifying?

Mr. KINDNESS. Right.

Mr. MILLER. Sir, this year out of our \$26 million budget, \$9 million are budgeted for from that source, sir.

Mr. KINDNESS. Very good.

I have no further questions, Mr. Chairman.

Mr. DANIELSON. Your aggregate gross budget is \$26 million for this year?

Mr. MILLER. That is correct, sir.

Mr. KANE. For 4 years.

Mr. DANIELSON. Over 4 years?

Mr. MILLER. Yes, sir, quadrennial period.

Mr. DANIELSON. Are you able to operate these training centers you now are operating within that budget?

Mr. KANE. We are doing it.

Mr. MILLER. Yes, sir, but they are over and beyond that \$26 million budget. We have for the past several months tried to get

corporations interested in underwriting the cost of our training center program.

Mr. DANIELSON. I suppose if you could paint the name of Wheaties on the trunks of some sprinter, that might help do it like Indianapolis STP or whatever it is.

Mr. KANE. I think very close to that. One major corporation in this country offered if we could call it "X" National Training Center they would underwrite it.

Mr. DANIELSON. I know, and you resist those temptations?

Mr. KANE. So far. We are getting desperate, though.

Mr. DANIELSON. Under the modern Olympic era, when did it commence?

Mr. KANE. In 1896.

Mr. DANIELSON. And there was an interval during World War II, I believe.

Mr. KANE. There was an interval during World War I and World War II.

Mr. DANIELSON. But other witnesses, it's been continuous since 1896?

Mr. KANE. That is right.

Mr. DANIELSON. Have we been a participant all the way through?

Mr. KANE. Yes, sir.

Mr. DANIELSON. Thank you very much.

Is that all, Mr. Kindness?

Thank you, gentlemen.

Mr. MILLER. Excuse me, sir, I have just one quick statement, if I may, sir.

Mr. DANIELSON. Surely.

Mr. MILLER. I would like the record, if you don't mind, to reflect that out of the \$26 million budget we have for the quadrennial period that over \$13 million are provided in direct assistance to the national governing bodies, and for preparing and training our teams for participation in the Olympic games.

Mr. DANIELSON. That calls for an added question.

Now, when the Olympics are held, you must, I presume it's through the Olympic committee that the traveling, et cetera, expenses of the teams are funded; is that correct?

Mr. MILLER. That is correct, sir.

Mr. DANIELSON. Do you draw then on any added funds or added funds come in for you or is that still within the \$26 million?

Mr. MILLER. It's still within the \$26 million, sir, but it's over and above the \$13 million that I mentioned in direct grants to the national governing bodies, to assist in the grassroots development of amateur sports.

Mr. DANIELSON. It's in the second half of the \$26 million.

Mr. MILLER. Yes, sir.

Mr. DANIELSON. I see.

Mr. MILLER. Sir, in point of clarification also, I have heard some testimony to the effect that in the training center program it is directed toward the elite athletes of our country. It is not, sir.

It is directed at all ages and all levels of ability. Since the opening of the training center in Squaw Valley, over 8,000 athletes of all ages and all skill levels have utilized that training center in just a little over a period of a year, sir.

Mr. DANIELSON. How do they get there? I am talking about the money, about two things, who says, OK, Joe, come on in and compete; how do they begin it?

Mr. MILLER. All right, sir.

I would like just three statements.

One of the points in our going ahead and establishing the training centers is because 85 percent of the moneys that we were granting to national governing bodies were used in travel and housing and feeding of athletes in training conditions; 17 percent of that was for food and housing, 68 percent for transportation.

At the present time, once an athlete reaches our training centers, the U.S. Olympic Committee underwrites the cost. At the current time, it is costing us approximately \$8.40 to house and feed an athlete per day as opposed to previously on the economy it was costing them in the neighborhood of \$28 to \$32 a day; so we are getting more mileage from the moneys directed there.

Now, in response to your question of how do the athletes get there, as far as a part of the development funds we provide the national governing bodies they defray the cost of the transportation of the athletes to these training centers.

The national governing bodies are the group responsible for constituting the training program and selecting the athletes to participate therein. And, as I have indicated, it is done principally at absolutely no cost to the athlete.

Mr. DANIELSON. And you talked about your own contributions to the governing bodies. I assume that the governing bodies must have received contributions in addition to yours, do they not?

Mr. MILLER. Some, sir. As Mr. Kane mentioned previously, approximately eight of our national governing bodies are able to generate any substantial funds. The remainder are not.

I will give you a classic example of it. For example, in luge, where the assets are less than \$100, the U.S. Olympic Committee in 1977 and 1978 will provide them grant and aid in the amount of \$65,000.

Mr. DANIELSON. What is luge? I don't mind asking you; I didn't know how to pronounce it before.

Mr. MILLER. Sir, it's sledding downhill riding on the back of the rider, single rider.

Mr. DANIELSON. We used to do that on the hill back home. I have no other questions.

Mr. Kindness?

Mr. Kindness. No questions, Mr. Chairman.

Mr. DANIELSON. Thank you very much.

You have given us information no one else has given us, and that is very helpful and I appreciate it.

Mr. KANE. Thank you, sir.

Mr. DANIELSON. Our next witness or witnesses from the national governing body, Mr. Robert Helmick, International Amateur Swimming Federation.

Mr. Helmick, please come forward and inform us.

Mr. Helmick, did you bring a swimmer with you?

TESTIMONY OF ROBERT HELMICK, INTERNATIONAL AMATEUR SWIMMING FEDERATION, ACCOMPANIED BY MICHAEL V. DISALLE, COUNSEL, AMERICAN ATHLETIC UNION

Mr. HELMICK. Mr. Chairman, Congressmen, members of the staff, I am very pleased to have this opportunity to meet with you today and to talk a little bit about national governing bodies.

I do not have a written statement prepared to give you today.

Mr. DANIELSON. That is just fine. Tell us what is important.

Mr. HELMICK. First of all, my name is Bob Helmick, a practicing attorney in the city of Des Moines, Iowa.

I think it would be important so you know the frame of reference in which I speak that I explain a very brief bit about my athletic background.

I made water polo with some limited amount of international experience between 1968 and 1972. I became the chairman of the AAU Water Polo Committee which, in effect, is that committee which organizes and directs water polo in the United States to the extent that that is possible to do under the regulations and laws as they existed back in 1968.

We had the good fortune to ultimately derive a bronze medal in water polo in the 1972 Olympics, which was the first time we received a medal in that particular sport in the modern games, which we were very pleased about, except for one occasion when it was in the United States.

At that time I was elected as the secretary of the International Technical Committee which supervises and regulates the sport of water polo throughout the world.

I held that position between 1972 and 1976. In 1976 I had the good fortune, or bad fortune, depending upon your point of view, of being elected the honorary secretary of FINA, which is the Federation Internationale de Natation Amateur, which is the international swimming body.

This is the body which regulates and controls what we call swimming throughout the world. Swimming, however, is broken down into four disciplines:

Competitive swimming; diving; water polo; synchronized swimming. In the position of honorary secretary, in effect, I am the executive director of this particular international federation.

I might point out as a footnote that one problem I think the United States has in international competition is evidenced by the fact we have only one individual citizen in the United States who holds a position of either president or secretary of an international federation of International Olympic Sport Federation.

We do have one individual, Don Porter, who is the secretary of the softball federation, which is a Pan American sport.

I think this points up some of the problems that we have in international competition. As I say, I want to point that out as a footnote.

Whether we like it or not, international federations set down certain rules and are recognized for the governing sports throughout the world. You can abide by those rules, if you want to, or you have the choice not to abide by them, and you can do as the People's Republic of China has done, and decide they don't want to abide by the rules so long as the Republic of China, Taiwan, is in.

But, if you want to compete in international athletics, we have little choice but to abide by the rules.

We also have another option under that, namely, to try to effect changes in those rules. To do so you must be an effective member of an international federation. This we try to do.

There are certain rules starting out with the IOC that are very important for this committee, I believe, to understand, because unless you understand the rules of the IOC and how the International Olympic Committee relates to the National Olympic Committee and international federations and how the international federation relates to the national governing bodies, it's really impossible to understand the effect of the proposed legislation upon sports in this country and how it will affect our participation in the Olympics.

In my testimony previously I have cited all of these particular rules, and they are set out in the testimony, so I will not take the time to recite all of those into the testimony again at this time.

With your permission, I would like to point out just one or two which would be the major rules.

IOC rule 23 states:

IOC has control of the Olympic Games. However, it delegates to the International Federations the technical running of those sports.

IOC rule 24 states:

There must be a National Olympic Committee in each country composed of at least 5 National Federations.

That means national governing bodies.

These Federations in turn must be affiliated to the International Federations governing their sport on the Olympics program.

They shall cooperate with the national amateur sports governing bodies, affiliated to the international federation recognized by the IOC in guarding and enforcing the eligibility rules.

Rule 24 goes on to state a national Olympic committee must not recognize more than one national federation in each Olympic sport. And that federation must be affiliated to the international federation recognized by the International Olympic Committee.

IOC rule 26 states to be eligible for participation in the Olympic games a competitor must observe and abide by the rules and regulations of the IOC and, in addition, the rules and regulations of his or her international federation as approved by the IOC, even if the federation rules are more strict than those of IOC.

IOC rule 35, a competitor must be a member of the national governing body in his country, affiliated to the international federation recognized by the IOC.

As can be seen by this, the international federations of certain sovereign powers and independent powers from the International Olympic Committee. The International Olympic Committee and international federations work hand in hand in putting on the Olympic games.

Between the Olympic games the international federations exercise exclusive control over international competition. That means any competition involving athletes from one country and another country in their particular sports.

As can also be seen, the national federations have been granted certain specific areas of control guaranteed by the charter of the IOC within their own country and must work closely with the National Olympic Committee, but have certain guarded rights, also.

As I said, the reason for going through these rules is we must recognize if we want to compete internationally and, if we, the United States, want to compete in the Olympic games, there are certain rules that we are going to have to recognize, whether we like them or not.

Hopefully, those that we don't like we can change, and we have been making some progress in that regard in certain federations. But, if we are going to compete, we at least must know what those rules are.

And we must, with knowledge, decide whether or not we are willing to go into that particular federation, join it and compete internationally.

What are the rules?

If the United States is going to compete in the swimming disciplines in the Olympics or in any other competition outside of the United States, we must look to our international federation, that means if we are going to compete against any other countries that as a member of FINA there are 104 of them we must follow the rules.

Mr. DANIELSON. As a member of what?

Mr. HELMICK. I mean that is the short title like USOC.

Mr. DANIELSON. I understand, but it's an acronym for what?

Mr. HELMICK. Acronym for International Swimming Federation.

Mr. DANIELSON. OK, fine.

Mr. HELMICK. If I may, I would like to refer to it as FINA.

Mr. DANIELSON. I like to have it show up once in the record, and after that you can use it at total liberty.

Mr. HELMICK. Thank you. We now have it as a defined term for the record, and we will proceed on.

FINA rule GR2 states that every national governing body in all of our countries is the only authority governing swimming in that country.

It is the only body competent to regular international relations therein and that each along can select competitors from its nation to represent it at Olympic games or any international meetings.

No member is permitted to delegate its authority or any of its powers. The management of all national or international competition in its country must be under its control.

Mr. DANIELSON. I think what you are telling us, if I may, is that, I understand your absolute circle here of A depends on B upon C, et cetera, and you are right back to A. If you, a swimmer, desire to compete in a swimming match with someone in Japan, let's say, Japanese team, one, you have got to be approved for that purpose by the swimming division of AAU which, in turn, is recognized by FINA which, in turn, is the other hand of the International Olympic Committee.

Now, there is no other way you can go over there and compete, except on a bootleg basis and, if you do that, you are forever barred from taking part in subsequent Olympics and international compe-

titions which are blessed by the international federation or the Olympic committee.

Is that about it?

Mr. HELMICK. The Chairman is absolutely accurate, except I would strike "forever barred" and say "from a period of 6 months to 2 years."

Mr. DANIELSON. OK. They are a little bit more generous than I thought. But I get the point. You have made your point very well.

I predict a good future for you at the law.

Now, tell us how this ties into our problem.

Mr. HELMICK. This ties into our problem in the following way: If the Congress of the United States tells us, a national governing body, we have 32 national governing bodies, one for each.

Mr. DANIELSON. We have one on luge?

Mr. HELMICK. Oh, yes, sir.

Mr. DANIELSON. OK.

Mr. HELMICK. If the Congress of the United States tells the national governing body, and all of the athletes in the United States that now may go out of the country and compete with a certain class of athletes without receiving a sanction or without recognizing the international rules, then, of course, the international governing body must respect the rules of the United States.

If that rule is in conflict with the international federation, then our national governing body or the athletes will be suspended from the international federation.

It is not an idle threat; it is something that happens.

Mr. DANIELSON. And in that way next time the Olympics comes up, assuming it's within this period——

Mr. HELMICK. Right.

Mr. DANIELSON [continuing]. Of prohibition, you could not compete; is that correct?

Mr. HELMICK. I get the point.

Now, this bill we have before us——

Mr. HELMICK. May I go one step further?

Mr. DANIELSON. Sure.

Mr. HELMICK. If, in fact, the laws of the United States place a national governing body in conflict with the rules of the international federation, then we have an even more serious problem.

The international federation will, in fact, suspend the national governing body until it can follow the rules.

As an example, you may be saying, well, that's a bad thing. But, as an example, I think a good thing is that the Swimming Union of South Africa is suspended because the rules of South Africa do not allow it to practice sports with humanitarian principles that we require in our international federation, namely, to allow all competitors to compete without prejudice as to race.

That is an example of the national federation, which is now under suspension until the rules of the nation are corrected.

Mr. DANIELSON. You say it's the South African federation under suspension?

Mr. HELMICK. Yes.

Mr. DANIELSON. Is that correct?

Mr. HELMICK. Yes, sir.

Mr. DANIELSON. Of course, they are doing that as a matter of choice. They could conform to the international rules, except they don't. And as a result, they are suspended and their athletes could not compete, for instance, in the Olympic games?

Mr. HELMICK. That is correct. You have stated it's a matter of choice. Our investigation would indicate that the federation really chooses to have integrated competition, but is, as a practical matter, prevented by the national law up to this instant.

Mr. DANIELSON. What I mean by choice is that it was not Pago Pago that put a pistol to the head of South Africa and said you may not do it, South Africa did it to South Africa.

Mr. HELMICK. Right, of course.

Mr. DANIELSON. I think I understand that, and I understand the importance of it. So, go ahead.

Mr. HELMICK. There are many provisions in the original bill that the national governing bodies had a great deal of difficulty with. It was the hope of the national governing bodies that the bill could stay in compliance with the rules of the international federation, and put to rest the squabbles between national governing bodies and other elements in the sports community.

One problem has been although we have international rules affecting the national governing bodies, we have no organic laws of the United States outlining the jurisdictions, the terminal points of the jurisdiction of the school community, for instance, national governing bodies, for instance, and the Olympic committee, for instance, all of these being private organizations without there being any public laws.

As a result, if I, a national governing body, didn't want you, a YMCA, to compete in a certain event because I felt it violated the rules of my international federation, I could not go to court and get an injunction against you because you were a free citizen of the United States, as am I, the national governing body.

The only way to stop you from doing that is to impose sanctions. Sanctions against whom?

Sanctions against the athlete to not allow the athlete to compete.

That is the only way to get to that other organization, or sanctions approving a competition, to not allow you under our international rules to hold this competition, tell other nations not to come to this and tell other nations not to come to this competition, but there was no way to go to court and settle what might be a justiciable controversy.

It might be a clear case or one in a gray area. There was no way a national governing body or a school, for instance, could take action directly against that national governing body, or vice versa, to settle the dispute.

The only way it could be settled would be to use a pawn, the third party. Basically, the athlete.

The hope of the national governing bodies that we would end up with an organic law, that there could be direct actions, let's let the adults and administrators sue each other and not keep the athletes from competing.

We have been somewhat disappointed in the law because we had to work out a series of compromises going to the scope of jurisdiction.

However, and I would like to read one statement that I made at the hearings in October of 1977 prior to these compromises, and I think this is important because it relates to some allegations that have been made about a position with respect to athletes' rights:

Senator STEVENS. Would you allow us to add to that concept athletes' rights?

Mr. HELMICK. I would not only allow you to add but, in my humble opinion, the athletes' rights section is the single most important thing in this bill because even if you emasculate the national governing bodies to the extent that they are in violation of the Olympic rules and Federal rules, so long as we have the national governing bodies know that our athletes have the right to compete without interference from other bodies, then a great deal of our problems are solved, because when you get all done with it the only purpose of the international federation and the International Olympics Committee and the only purpose for the national governing bodies, is to foster competition to which athletes can freely come and participate.

So, if you grant the athletes' right to compete unfettered then, in fact, you have solved a great deal of our problem.

Now, unfortunately, that is only taking care of the symptoms of the problems, namely, the interference in the athletes' rights. It is not really getting to the heart of the jurisdictional problem.

The national governing body favors rights for athletes. I would like to make a footnote now, and explain another position in the frame of reference in which I am speaking.

At the last U.S. Olympic Committee where this bill, 2727, was approved by our national governing body, I was selected to represent the national governing bodies in attendance and in a small group with other national governing bodies not, by the way, just the AAU, national governing bodies to work out some compromises with counsel for the NCAA and other multiple sport organizations, which we did.

In fact, the statement that I made at that time on behalf of all national governing bodies is part of the NCAA statement in this record, and I am very pleased that our friend included it because it is a good statement and it supports his statements and it supports ours.

We recognize that a compromise was made on the athletes' rights. We understand the political expediency of it, but we cannot fool ourselves, it's merely a political expediency, and we stated at that time that we would not fight the bill on the basis of this voluntary bill of rights rather than a mandatory organic law of the U.S. Bill of Rights.

But, it makes us very concerned as to other sections of the bill and it immediately means that the national governing bodies must be much more concerned with the jurisdictional definition and outline in the bill.

Why? Because the athletes' bill of rights, as it now exists, is merely a bill of rights that citizens of the United States come under only if they join the U.S. Olympic Committee.

If you are not a member of the U.S. Olympic Committee then there is no way, then one is not subject to this athlete's bill of rights, and there is no way for a national governing body or organization to take a direct remedy against the individual who is interfering with the athlete.

Therefore, it becomes very important with respect to non-members of the USOC that the national governing bodies know what their rights are and what they are not because we are going to find ourselves in court and, unfortunately, we are in court, I say, we, I

mean, the track and field national governing body is in court right now on an issue which should be solved by this bill and which right now is not solved by this bill.

Why is it not solved by this bill?

We had a commitment from the staff out of the Committee on Commerce on the Senate side as to certain compromises and, by the way, I want to compliment the staff and Senator Stevens on the tremendous job and patience that they have had with all of us, all of us amateurs working through this.

There was one item that on the day this came to the Senate floor Mary McAuliffe called me and she and I have absolutely no differing views as to what happened, she called me and stated that we were not yet able to work out the agreement as to the narration that would clarify what is meant by "international amateur athletic competition."

She said, "We are going to the floor anyway because we cannot stop it," and my diary does not show the exact words, but I said, "I understand your frustrations and your problems, but where does this leave us?"

She stated, "I promise you that we will go forward on the House side and get this taken care of for you." And, I said, "We are not going to do anything about it, but we must have this in the bill, otherwise the national governing bodies cannot agree to it."

I subsequently sent out a letter to Miss McAuliffe and, because there has been some question concerning this brought up by other parties, I would like to make reference to the record of May 9, 1978, a letter from myself to Miss McAuliffe where, in part, I said:

As we previously discussed, we never arrived at a satisfactory conclusion with respect to the definition of "international amateur athletic competition." We do want to make clear that we cannot waive this very important feature of the bill.

As I said, I understand that the staff recognizes this as to other parties that have an interest in the bill.

This issue is the definition of international athletic competition. The way that is defined in the bill, there is an argument. I had not recognized it until it was brought up by counsel to the NCAA, but there is an argument that this applies only to teams representing the United States in the sense of being a national or near national team, in other words, a team wearing the colors of the United States.

Obviously, to the national governing bodies this came as a complete shock. In other words, under this interpretation of the definition of "international amateur athletic competition", wherever that term is used in the bill, in fact, you are talking about a very small segment of international competition, namely those teams "wearing the colors of the United States."

And, in fact, we would then be in direct violation of the rules of FINI with respect to the bill. I was assured by the staff that it was not the legislative intent to have such a restricted definition, that, in fact, it meant athletes from the United States in international competition. They promised to clarify this.

What actually happened in the record, however, gives us a great deal of concern, because a question was propounded by the Senator from Michigan exactly on this point appearing in the Congressional Record of May 8 at page 10 of the reprint, and Mr. Stevens

adeptly avoided the real impact of the question but gave an answer which could still lead to confusion on this point.

Subsequent to that the lawsuit was brought by the NCAA against the national governing body in track and field in which this very issue becomes a point. We are very concerned about this, and I think all parties to this bill understand that this is a point that really must be clarified, because if, in fact, the term "international amateur athletic competition" refers only to the national team then, in fact, the bill puts us in direct violation to most all international federations and their rules.

Mr. DANIELSON. Let me interject something here:

I get your point. The language to which you refer appears on page 6 commencing on line 6 of the May 10, 1978 version of S. 2727. Is it your contention that the definition of "international amateur athletic competition" as set forth therein is too narrow in that it appears to apply only to competitions between athletes representing the United States and those representing some foreign country whereas, under the Olympic federation, et cetera, rules, you would have to have any type of amateur athletic competition, internationally speaking, regardless of whether they were representing the United States?

Is that your thrust here?

Mr. HELMICK. Yes, sir, you have properly characterized my thrust. I would have to add, though, that I do not tell you, I am afraid a court will have to tell us whether or not this definition is truly restrictive.

Mr. DANIELSON. What is your opinion?

Mr. HELMICK. In my opinion, this definition is subject to an interpretation that would be too narrow.

Mr. DANIELSON. Too narrow in the sense that it would only apply to officially affiliated with the United States teams? Is that what you are saying?

Mr. HELMICK. Yes, sir.

Mr. DANIELSON. For example, if the Lions Club—and I am just pulling them out of the air—if the Lions Club, which is an international organization, sponsored a team of swimmers, financed a team of swimmers and they were having an international convention in, let's say, Australia, and they talked to the Lions Clubs over in Australia, you folks can put together a team and so you have two groups of Lions Clubs swimmers.

Now, they are not representing Australia and they are not representing the United States, they are representing Lions Clubs, but they are amateurs and they are the kind that likely would be prospects for the next Olympics, but they would be running into trouble under the Olympic rules; is that true?

Mr. HELMICK. Absolutely correct.

Mr. DANIELSON. I get your point. You feel the definition is too narrow. What is your recommended change of language for that definition?

Mr. HELMICK. Striking the word "representing" and inserting the word "from". I would suggest that that will not be acceptable to some groups, but I think—

Mr. DANIELSON. I am able to see your point. In other words, what you are trying to distinguish here is whether they are, I am group-

ing for a word, let's say, "financially" endorsed by the sovereign state of the United States, on the one hand.

Mr. HELMICK. Yes, sir.

Mr. DANIELSON. Or whether they originate within the boundaries of that state on the other hand?

Mr. HELMICK. Yes, sir. This gets into the very tricky question of the across border competition and we must find a solution to that. Nobody complains, but we cannot have some sort of exception.

Mr. DANIELSON. Is that the main thing that is bothering you?

Mr. HELMICK. We maintain, sir—when you say "that", sir, what do you mean?

Mr. DANIELSON. Is this definition the main thing that is worrying you within the context of the bill now before us? Something in this bill is bugging you, and I am trying to find out what it is.

Mr. HELMICK. There are a lot of things in this bill bugging a lot of the national federations. However, because, as has been said before, it is treading on everybody's toes a little, but we have all reached accommodation, but for his definition.

Mr. DANIELSON. All right, then this is the "but for".

Mr. HELMICK. Absolutely. This is the one element missing from our agreements in Buena Vista, which we attempted to get through on the Senate side.

Mr. DANIELSON. This is the item of essence that needs to be straightened out so far as you are concerned?

Mr. HELMICK. Yes, sir.

Mr. DANIELSON. I understand you.

Do you have more?

Mr. HELMICK. I can't explain any more clearly than stating this, really, and this is why I have gone on, and I apologize—

Mr. DANIELSON. No, You needn't. You have made it very clear.

Mr. HELMICK. I have tried to explain why this is important. Without it, it fails, the bill fails, from our standpoint.

Mr. DANIELSON. I understand, and if I understand it, I can promise you everybody else does, too.

Mr. HELMICK. OK.

Mr. DANIELSON. That is your main worry though, today? There may be some things you don't like in the bill.

Mr. HELMICK. In the frame of reference in which you are characterizing, that is certainly it.

Mr. DANIELSON. The other things are annoying, maybe, but this is critical?

Mr. HELMICK. That's right. May I say simply if this is not taken care of our national governing body is against the bill. If it's taken care of, we are not against the bill. I think maybe that clarifies what you are looking for.

Mr. DANIELSON. If this controversy could be resolved so you can live with it, I don't say you are going to have to be satisfied, but if you can live with it, if this controversy can be solved, then do you feel that the bill conforms adequately with the international Olympic committee and the international federations and the national federations and all of these other governing organizations so that our athletes can compete in the Olympic games and in other international competitions?

Is there any other place we are in violation of them?

Mr. HELMICK. You are asking too many questions.

I would answer the main thrust of your question by saying if this is taken care of our position remains as we have articulated it before, that we will support the bill.

Mr. DANIELSON. Do you feel that our athletes can compete then internationally, assuming we live up to the law and so on?

Mr. HELMICK. Yes; I do.

Mr. DANIELSON. That is what I was after. I don't want our athletes banned from the next Olympics or the one after that or any other time.

I don't want us to report out a bill which is going to doom the opportunities of our athletes for competing and that is why I wanted to see if this is the critical thing.

Mr. HELMICK. I have to add that we are very discouraged about some things that have occurred since this passed the Senate. But, we are staying firm on our position that we will still find this, if the accommodation can be found on this point, that we will still live with our compromise agreements and this I am speaking from the standpoint of the national governing bodies to the extent for which I can speak for them.

Mr. DANIELSON. I am going to infer from that that you feel if this controversy is resolved in an adequate manner there would be nothing in this law, if passed, which would prevent our athletes from competing in international events.

Mr. HELMICK. To my knowledge, that is absolutely correct.

Mr. DANIELSON. OK. Thank you.

Mr. Kindness?

Mr. KINDNESS. Thank you, Mr. Chairman.

Mr. Helmick, there was some concern expressed earlier about this definition of "international amateur athletic competition" with respect to the inclusion of qualifying competition.

Is that issue resolved?

Mr. HELMICK. That gets into some past history. That issue has been resolved because the national governing bodies once again conceded what I thought was a very important point. But, yes, that has been resolved because we have agreed that politically the school, college, community, simply not agree to that staying in there.

The bill as it originally came out started out with international competition, meaning all international competition and then also certain elements of domestic competition.

It then got cut back to international competition and then in April we suddenly discovered that some people were stating that, in fact, it means international competition only of the national team.

I give you that history. So that is one element in our real frustration on this definition and why I say I hate to throw down a solid line, we can't go any further.

Mr. KINDNESS. I understand the discomfort that is involved in arriving at such compromises. Being in the minority, we are forced into that position all of the time.

Only it is better to be able to compromise than just flatout lose.

Mr. HELMICK. It takes a great deal of understanding and kindness, right?

Mr. KINDNESS. Mr. Chairman, I really don't have any further questions. This is most interesting, and I am a little bit confused, but I confess to that with no discomfort. Others have apparently been confused about where the line should be drawn and how this should be dealt with.

Thank you, Mr. Chairman.

Mr. DANIELSON. Thank you, Mr. Kindness. Mr. Mazzoli?

Mr. MAZZOLI. Mr. Helmick, Governor DiSalle, good to see you. I have a couple of questions.

For whom do you speak?

Mr. HELMICK. I speak on behalf of the national governing body for swimming, diving, water polo and synchronized swimming.

Mr. MAZZOLI. Excuse me, is this the International Amateur Swimming Federation?

Mr. HELMICK. No. As the secretary of the International Swimming Federation.

Mr. MAZZOLI. Then you are secretary of the International Amateur Swimming Federation?

Mr. HELMICK. That's correct.

Mr. MAZZOLI. Is that a paid office?

Mr. HELMICK. No, sir.

Mr. MAZZOLI. You are an attorney?

Mr. HELMICK. Yes, I am. I try to get some time to practice, too.

Mr. MAZZOLI. They are a client?

Mr. HELMICK. No, sir. I am an amateur. I am a sports amateur, sports administrator, amateur in, I hope, just in the definition of nonpaid.

Mr. MAZZOLI. Professional so far as your ability to master the subject matter.

Mr. HELMICK. I would hope so.

Mr. MAZZOLI. But amateur in the sense of not being paid.

Mr. HELMICK. That is a rule of our federation, that the president and the secretary be amateurs.

Mr. MAZZOLI. All right. I said something as far as the water polo, and synchronized swimming, and other things; you act as their spokesman?

Mr. HELMICK. Yes, sir. Those four what you would call sports are really one sport internationally, and for the USOC purpose it is mainly swimming.

Mr. MAZZOLI. Now, is that worldwide?

Mr. HELMICK. The international federation is the worldwide organization that controls all swimming in the world. I am also a member of our national governing body, and I failed to state this; you should also understand that I am the first vice president of the national AAU, which is also a multisport organization and, in the ordinary course of things, I would anticipate being elected president of the national AAU.

Mr. MAZZOLI. National AAU?

Mr. HELMICK. I do not speak for the national AAU. This, again, gets into the complexity of sports.

Mr. MAZZOLI. It's extremely so, and you are wearing two or three hats. Are any of them conflicting? Do you have any conflicts of interest in speaking today for the swimmers, even though you happen to be the prospective president of the multisport athletes?

Mr. HELMICK. No, sir; I don't. I have read and have participated in the formulation of the national AAU's public statement on this bill and I don't find that—

Mr. MAZZOLI. What is their position? I missed most of yesterday's meeting.

Mr. HELMICK. We have the counsel for the national AAU here. Do you have a copy of the statement?

Mr. MAZZOLI. Governor, are you guys for or against the bill?

Mr. DiSALLE. Mr. Ferrell testified yesterday as president of the AAU and said if certain changes were made the AAU would not oppose the bill.

Mr. MAZZOLI. Was one of the changes what Mr. Helmick mentioned?

Mr. DiSALLE. One of the changes; yes.

Mr. MAZZOLI. What was another one?

Mr. DiSALLE. Generally, he felt strongly about the athletes bill of rights in its present form in the bill and advocated the return of the athletes bill of rights as it appeared in the original bill.

Mr. MAZZOLI. Let me ask you this: There is an athletes bill of rights section in the bill, but it is not the kind you thought should have been in there, is that your statement?

Mr. HELMICK. No; I wish I could give you that simple an answer. It is not the position.

Mr. MAZZOLI. I don't want you to trace what you did before mentioning Miss McAuliffe and all of that but, basically, you had thought there would be a different wording of the athletes bill of rights in the bill; is that correct?

Mr. HELMICK. No, sir.

Mr. MAZZOLI. That is not it? OK.

Thank you.

Mr. HELMICK. The element that is missing that we all agreed to that is not in there, then with the diligent efforts of the staff, and please keep in mind we are not blaming anyone, it was a very difficult situation, it just did not get there. The element that is not there that must be there is a clarification of the meaning of the definition of international amateur athletic competition.

Mr. MAZZOLI. So once that is in there you are satisfied that your group can support the bill, even though it's obviously not perfect.

Mr. HELMICK. My group.

Mr. MAZZOLI. Which is?

Mr. HELMICK. The swimming national governing body will not oppose the bill.

Mr. MAZZOLI. Which is different than supporting it basically. You are making that distinction?

Mr. HELMICK. That is correct, and that is what we have stated all the way.

Mr. MAZZOLI. Then, if you don't support the bill and you don't oppose it, what are you reserving to yourself to do in the later stages of this bill?

Mr. HELMICK. When we come before the FINA, the international governing body, it means that when someone points out, someone from your way points out that the secretary from the United States or someone from the Soviet Union, this is a better example, because this has been done, 2 months ago I was the subject of a

rather scathing article in Pravda about my political affiliation to the United States and about the fact we were using FINA for political purposes.

It would not be impossible for someone from a country such as that to state that the secretary of FINA in a supported political legislation in the United States which violated the rules of FINA, pointing out some very minor points that might even escape my review.

By saying that we did not go on record as supporting it, and by carefully here today in my testimony not saying that I personally support this bill, I reserve my right to say I did not support the bill; I merely did not affirmatively go ahead and oppose it.

Mr. MAZZOLI. When you go before the international body, my question was more pointed to what that reservation on your part would allow you to do with respect to the further handling by this Congress and this committee of this bill.

Without trying to be too elliptical about it, would you be trying to torpedo it in anyway, or change it, or change your degree of hardened support, or your degree of hardened nonopposition?

Mr. HELMICK. No, sir.

Mr. MAZZOLI. You are not reserving to yourself a right to do a number on this bill without really doing that number?

Mr. HELMICK. To use a common day parlance, I am being very "upfront" about our position on it and, when I say that, I mean exactly what I say. We won't oppose it either directly or indirectly.

Mr. MAZZOLI. Just a matter of giving you the opportunity of going to an international body and saying we did not give support to this bill insofar as there might be some section, even now you don't know how it might affect these internationalists, and so you, by not supporting the bill, give yourself an out in the international bill?

Mr. HELMICK. That is correct. By the way, this also impacts upon the new international movement that is termed the "democratization of sports," which is being brought about by the eastern Europeans, by the Communist bloc.

We are adamantly opposed to this because by that they say they want support to be controlled by the people and not these kinds of organizations. What they really mean and, as it works out, it means support controlled by the nations and it will be very possible for them to cite the Amateur Sports Act of the United States as being an element in Western civilization showing we also support democratization of sports, which is basically not what we support.

Mr. MAZZOLI. Let me ask you this: You represent the swimmers, so today you can give this subcommittee assurance that the swimmers, if the change that you suggested is made, will not oppose the bill.

Now, there are some 30 or 40 other groups. Is there any agency or person testifying before this committee in behalf of these other 30 or 40 groups to enable us to figure out what might be a consensus here?

Mr. HELMICK. Sir, I wish there was. There is not. We do not have a confederation of sports. It is something we should have in the United States. I do speak this way, though: At Buena Vista, the 32 sports met, and we decided it is not possible for us to work out the

delicate compromises necessary. At that time, we appointed a committee of five individuals from different sports, only one of which was in the AAU conglomerate, which I think is important, because we are trying to reach these accommodations of autonomy. In that group of five, I was elected as the chairman or the spokesman, and I made the presentations and physically worked out the accommodations, reporting back. I feel that I can represent to you that all national governing bodies, or a substantial number, will go along with what I am saying.

This is not to say a national governing body is not going to hold a meeting and in a democratic way change their minds. We are too democratic.

Mr. MAZZOLI. I haven't followed the progress of this legislation and the genesis enough to know; there must have been meetings and perhaps this thing in Buena Vista—is that California?

Mr. HELMICK. The Lake Buena Vista meeting was a meeting of the U.S. Olympic House of Delegates, at which several representatives from each national governing body was in attendance.

Mr. DANIELSON. That was Lake Buena Vista, Fla.

Mr. MAZZOLI. Thank you. That was dealing with this bill?

Mr. HELMICK. The issue before that house of delegates was whether or not the USOC would support or not the Amateur Athletic Act of 1978. At that time, I got up, representing the national governing bodies, with all of them present and listening to my statement appended to the NCAA report here.

Mr. MAZZOLI. There are 32 national governing bodies?

Mr. HELMICK. There are more than that. There are 32 Olympic pan-American national governing bodies.

Mr. MAZZOLI. I guess it is going to take a lot of study on my part to figure out what is going on. I am not enamored with the legislation, to say the least. I am not convinced Congress realizes what is going on. I have a two-pronged feeling. One is we are being asked to settle problems you guys should be able to settle yourselves and, second, I have a general feeling that the people we want to settle them for, the athletes, are not going to be the beneficiary of that much out of this bill, and \$30 million, or \$18, or whatever it is, is a fair hunk of money.

So, Mr. Chairman, I thank you for your indulgence, and, Mr. Helmick, for your outstanding testimony.

Mr. DiSALLE. I would like to add something. Yesterday, Mr. Farrell asked that some other members of the AAU be given a chance to be heard. I understand now that 17 groups have formed the Western Conference of AAU and have sent telegrams in opposition to the legislation and with the request to be heard, giving their reasons for opposition. The AAU is an extremely independent, democratic organization. They make their own decisions.

Mr. MAZZOLI. I gather AAU, if I heard the testimony correctly, is being fingered as one of the problem children here, because they can't get their act together with the NCAA, and sometimes force some nitpicking rules and regulations which leave athletes hurt. So I am not sure I am going to be persuaded by the AAU picture any more than anything else.

I wonder, if given the nature of all the problems facing this Congress and country, we should be devoting our time to this.

Thank you, Mr. Chairman.

Mr. DANIELSON. I have no further questions. I thank you very much for your presentation. You didn't realize it was going to take an hour, did you? Neither did I.

Mr. HELMICK. I appreciate your indulgence.

Mr. DANIELSON. You have given us information we did not have before, and that makes it very valuable.

I thank you, and I think I understand what you are driving at here.

We have a real problem that has now evolved. The hour is 1 o'clock. I must quit at about 1:30. And we still have quite a ways to go.

The Athletes Advisory Council, Mr. Edward Williams, chairman. Would you please come forward?

I see we are going to have to divide the 10 minutes with the National Association of Intercollegiate Athletes, Dr. Harry G. Fritz; the Association of Inter-Collegiate Athletics for Women, Ms. Carole Mushier; the National Association of Secondary School Principals, Dr. Scott Thomson; and Real Sports, Inc., Mr. Joseph Peters.

As they say when they cut off debate in the House of Representatives, you are each recognized for 45 seconds. I will try to do better than that.

Mr. Williams, please come forward and stand on no ceremony. Your statement will be received in the record in its entirety, and will you please give us the essence of your presentation?

Mr. WILLIAMS. Yes, sir, although I see a problem arising. In 20 minutes I don't see how we could possibly—

Mr. DANIELSON. I don't, either. But I happen to have to do some decisionmaking on hospitals for veterans starting at 2 o'clock, and I also have a couple of things to do in the interval.

Mr. WILLIAMS. I am sure their problems are equally pressing.

Mr. DANIELSON. The problems may not seem as important, but they are to the people involved.

TESTIMONY OF EDWARD WILLIAMS, CHAIRMAN, ATHLETES ADVISORY COUNCIL

Mr. WILLIAMS. Sir, thank you for the opportunity for permitting me to speak. My name is Edward Williams. I am chairman of the Athletes Advisory Council to the U.S. Olympic Committee.

I have a statement which you have, a short statement. I hope it will be included in the record.

Mr. DANIELSON. It has been admitted. Thank you.

Mr. WILLIAMS. I would also ask that the appendix thereto, which contains a number of exhibits, also be included in the record in its entirety except for exhibit L, which cannot be printed.

Mr. DANIELSON. Is that this document I am holding?

Mr. WILLIAMS. Yes, sir.

Mr. DANIELSON. What we are going to do on that is lodge it in the committee's file. At the cost per page of printing committee reports we will defer judgment on whether we are going to reprint it.

Mr. WILLIAMS. I would urge that you consider including it in the record, because it contains a complete, absolute complete, chronology of the history of the athletes rights section. A number of individuals have raised questions about the process in which the athletes' rights section has evolved, and this is an attempt to bring together in one document the entire chronology.

Mr. DANIELSON. Before I ask the taxpayers of the United States to pay for the printing of a book setting forth all of this chronology, I will study it.

Mr. WILLIAMS. Yes, sir. Thank you, sir.

I would like to tell you a bit about what the Athletes Advisory Council is and who I represent here today.

Appended to my prepared statement, in exhibit L, is a little membership booklet of the Athletes Advisory Council. It sets forth the 42 Olympic and pan-American athletes elected to the Athletes Advisory Council to represent members of their sport.

The Athletes Advisory Council was formed some years ago under the leadership of the former president of the Olympic committee, Philip Krumm, in order to help bridge the gap between the athletes and the Olympic committee and provide for some real athletes' input into the decisionmaking process.

Two of the athletes who spoke to you yesterday, Willie Davenport and Dianne Holum, are members of the athletes council.

The Athletes Advisory Council supports the legislation embodied in H.R. 12626.

Mr. DANIELSON. That is one point. I wanted to know how you stood.

Mr. WILLIAMS. We support it, indeed. We are very enthusiastic about most aspects of the bill. I would also say that we are officially on record and are on record in support of the compromise version of the athletes' rights section which appears in the bill on page 16, at lines 7 through 18.

I want you to understand, though, however, that it is a compromise version. If, as they say, we had our druthers, we would prefer to see an athletes' rights section that provided for Federal protection for athletes. And I might point out that that version of the athletes' rights section is appended to my statement in exhibit A to my testimony, which was referred to yesterday by Mr. Farrell as his exhibit B.

But in order to preserve the very good parts of this bill, which the athletes felt might go down the tube simply because of the opposition of some organizations to the athletes' rights section, we agreed to the compromise. It takes the athletes' rights section of subsequent provisions out of the Federal law and puts it back within the committee where the Olympic Committee will enforce the bill of rights as to its members, and I wish Representative Kindness were here now.

Sir, are you his counsel?

Mr. DANIELSON. Just address your comments to the committee and proceed.

Mr. WILLIAMS. Yes, sir. I would like to point out to Representative Kindness that the athletes' rights section does not impact on the high schools. That is because the high schools are not members of the Olympic committee. It is true that the National Federation

of High School Associations is a member of the Olympic committee, but the high schools which are a part of the federation are not members of the Olympic committee. Therefore, the arbitration procedures and the mechanisms for resolving disputes that might arise with regard to athletes' rights do not apply to high schools.

And I hope that message comes forth very clear and before the cards and letters come pouring in from the high school administrators.

Mr. DANIELSON. You have made it very clear.

How do you stand on the definition of international athletic competition?

Mr. WILLIAMS. I think the present wording of the bill is adequate to point out that assertion is required for all international competition. However, with Mr. Helmick and the AAU wanting to see this language buttressed to support their position, then, of course, we would agree with that. I don't think there is any disagreement among anyone in this room as to what the intent was. You heard that from Senator Stevens.

Mr. DANIELSON. Would you have any violent disagreement for changing the word "representing" to "from"?

Mr. WILLIAMS. I would have to study that more, sir. I must tell you I focused primarily on the athletes' rights section of the legislation.

Mr. DANIELSON. I know you did, but I asked a question about another section, and I would like to have a response.

Mr. WILLIAMS. Would you please refer me to the page?

Mr. DANIELSON. Page 6 of the S. 2727, line 8, change the word "representing" to "from." What would be your opinion on that, and if you want to look over your shoulder, go ahead.

Mr. WILLIAMS. I see that provision now, and I think you understand very clearly what the implication is. The wording of subparagraph 5 as it appears on page 6 without the change, with the word "representing" can arguably be interpreted as meaning real official teams rather than simply from the United States, and I would agree to that change, to make clear—

Mr. DANIELSON. You wouldn't be in violent opposition?

Mr. WILLIAMS. No, sir, because I think it incorporates, if I understand Senator Stevens correctly, I believe it makes clear the intent that Senator Stevens—

Mr. DANIELSON. You have covered the point. I hate to rush you, but you have made the point, so let's go to another one. How about the bill of rights?

Mr. WILLIAMS. Yes, sir, what would you like to know about it?

Mr. DANIELSON. I would like to know—are you satisfied with the way it now appears in the bill; is that correct?

Mr. WILLIAMS. Sir, we are satisfied with it as a compromise position. Realize it does not provide the substantive rights the athletes have sought for so long. It does not provide—

Mr. DANIELSON. You find it acceptable, let's put it that way.

Mr. WILLIAMS. Yes, sir, and we support it. And we applaud the efforts of the AAU to seek at sometime in the future a stronger bill of rights such as is contained in exhibit A.

I might add, however, that I would also urge the AAU to look at their own organization.

Mr. DANIELSON. I tell you what, after the meeting, you talk to them and urge them. Right now——

Mr. WILLIAMS. I would like to put on the record the fact I find disgraceful the violation of the athletes' rights section contained in their own AAU code.

Mr. DANIELSON. That is in the record now, and let's compound it to the 10th power, but let's get on with the substance of the bill here.

How about the funding?

Mr. WILLIAMS. The funding, sir, is needed. You cannot have the organization without the funding to support it. It is transitional. It is a one-shot deal. If the Olympic committee comes back next year for subsequent funding, there is a very easy response. You say no. There is nothing in the world——

Mr. DANIELSON. Do you think that is an easy response?

Mr. WILLIAMS. It is very difficult, sir, but I think——

Mr. DANIELSON. It is not hard for me, but you should try it out on 435 Members of Congress. That is not too easy.

Mr. WILLIAMS. I think it is very clear on the record now that this is intended to be a one-shot deal.

Mr. DANIELSON. I can promise you when the report on this is written—presumably we will put one out—it is going to be eminently clear.

Mr. WILLIAMS. You have heard it from the Olympic committee and other representatives, and I don't think it is up to us to second-guess the statement of the Olympic committee when they say it is a one-shot deal.

Mr. DANIELSON. I second-guess everybody's opinion, including my own.

Yes, sir, how about any other points in the bill?

Mr. WILLIAMS. Yes, sir. Again, addressing some concerns Representative Kindness expressed yesterday, the bill does not govern the sport of golf. He asked the question whether it would impact on the sport of golf. It does not impact on the sport of bowling, another sport that has some fears with regard to this legislation.

Mr. DANIELSON. We got that cleared up yesterday, and it does not include marbles.

Mr. WILLIAMS. Right, or giving aid to South Korea. It is only in the terms of this legislation, and those sports organizations that are not listed on page 25 of the appendix of the USOC constitution, which you referred to earlier——

Mr. DANIELSON. We have it here. Twenty-five and twenty-six of this.

Mr. WILLIAMS [continuing]. Are not included or impacted by this legislation. Nor are the high schools.

Those are really my main points.

Mr. DANIELSON. We thank you. I do appreciate it. You have hit the points that I was concerned about.

Mr. WILLIAMS. I had many more, but I certainly don't want to detract from the presentation of the people following me.

Thank you, sir.

Mr. DANIELSON. Thank you very much.

[The prepared statement of Mr. Williams follows:]



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VIII PAN AMERICAN GAMES, San Juan, Puerto Rico, August 4-18, 1979
 XIII OLYMPIC WINTER GAMES, Lake Placid, U.S.A., February 13-24, 1980
 GAMES OF THE XXII OLYMPIAD, Moscow, U.S.S.R., July 19-August 3, 1980

184 Columbia Heights

June 22, 1978

STATEMENT OF EDWARD G. WILLIAMS
 ON BEHALF OF THE
 ATHLETES' ADVISORY COUNCIL
 OF THE
 UNITED STATES OLYMPIC COMMITTEE

PRESENTED TO THE HOUSE SUBCOMMITTEE ON
 ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS

CONCERNING H.R. 12626,
 THE AMATEUR SPORTS ACT OF 1978

Mr. Chairman, Members of the Committee:

My name is Edward Williams. I am pleased to present the views of the Athletes' Advisory Council of the United States Olympic Committee concerning H.R. 12626, the Amateur Sports Act of 1978.

I want to emphasize that I am speaking on behalf of the 42 currently competing or recently retired Olympic and Pan-American athletes who were elected to the Athletes' Advisory Council of the USOC (the "AAC") by athletes active in their respective sports. A booklet which contains the pictures and biographies of the athletes on the Council is attached as Exhibit L to my prepared statement.

The AAC was formed in 1973 by the U.S. Olympic Committee upon the recommendation of the then USOC president, Philip O. Krumm. The purpose in creating the AAC was to broaden communication between the USOC and currently active athletes and to serve as a source of opinion and advice with regard to both current and contemplated policies of the USOC. To insure that the AAC represents the interests of current athletes, the USOC Constitution requires that every athlete elected to the Council must have represented the United States in the Olympic or Pan-American games or other major international competition within the preceding 10 years. Furthermore, only currently competing or recently-retired athletes are eligible to elect representatives to the AAC.

Thus, the membership of the AAC represents all sports on the Olympic and Pan American Games programs and is representative of the currently competing or recently retired amateur athletes in America.

The Athletes' Advisory Council supports the legislation embodied in H.R. 12626. We went on record to that effect at our last full meeting in April 1978. Perhaps the word "support" does not do justice to how we feel about this bill. Although the AAC believes that certain provisions of the bill could have gone further (for example, to

give greater protection to athletes to participate in amateur athletic competition, free from arbitrary control or sanctions), we are overwhelmingly enthusiastic about the thrust and purposes of the bill.

There can be no doubt that there is a real need for legislation set forth in H.R. 12626. The Report of the President's Commission on Olympic Sports ("PCOS") has thoroughly documented the need for this legislation. In addition, I can assure you that the athletes on the Athletes' Advisory Council have experienced first hand -- and are experiencing today -- a number of frustrations, any one of which detract from our performances in international competition as representatives of the United States. In short,

- 1) there is a need for a unified amateur sports effort in the United States which, to be effective, must be coordinated by one organization;
- 2) there is a need for a workable mechanism to resolve the disputes that inevitably arise between the various amateur sports organizations;
- 3) there is a need to protect the right of every amateur athlete to participate in amateur athletic competition without fear of improper sanctions or arbitrary penalties; and
- 4) There is an overwhelming need to fund the revitalized but currently under-financed

development programs of the U.S. Olympic Committee. Moreover, if the United States is to successfully compete in international athletic events, funding must be provided for the recently established USOC National Training Centers.

The proposed Amateur Sports Act of 1978 -- S. 2727 and H.R. 12626 -- goes far to address these needs and, for that reason, should be enacted into law.

* * * *

I would like to comment in particular on Title II, Section 209 ("Athletes Opportunity to Participate") which is found on page 16 of the bill (line 7 through 18, quoted below)*. This provision -- the so-called "athletes rights" section -- was agreed to by the athletes and the USOC on the one hand, and the NCAA on the other, in order to obtain the NCAA's assurances that it would (1) not actively oppose the legislation and (2) rejoin the Olympic Committee and in so doing become subject to the terms of the USOC Constitution.

* ATHLETES' OPPORTUNITY TO PARTICIPATE

SEC. 209. Title I of the Act, as amended by this Act, is further amended by adding at the end thereof the following new section:

"SEC. 114. In its constitution and bylaws, the Corporation shall establish and maintain provisions for the swift and equitable resolution of disputes involving the opportunity of an amateur athlete, coach, trainer, manager, administrator, or official to participate in the Olympic Games, the Pan-American Games, world championship competition, and any other amateur athletic competition which may be designated by the Corporation."

Let me emphasize that this is not the version of athletes' rights that the Athletes' Advisory Council preferred to have contained in the legislation. Our preference would have been for Congress to recognize, in federal law, that athletes have a right to participate in certain amateur athletic competitions free from the arbitrary sanctions and restrictions that are presently imposed on athletes by certain sport organizations, educational institutions and associations of educational institutions. The athletes' rights section which the AAC put forward for inclusion in the legislation (and which was presented to the Senate Commerce Committee staff on January 19) is attached hereto as Exhibit A.

Section 209 of the proposed sports legislation does not grant any substantive right to compete to athletes. Rather, it merely provides that the USOC shall, in its Constitution and By-Laws, establish and maintain provisions for the swift and equitable resolution of disputes involving the opportunity of an athlete (or coach, trainer, manager, administrator or official) to participate in the Olympic Games, the Pan-American Games, world championship competition, and any other amateur athletic competition which may be designated by the USOC.

The implications of section 209 are obvious. First, any athletes' rights section promulgated by the USOC

is binding only on the members of the USOC. If a member of the USOC objects to the protections sought to be accorded to athletes by the USOC, it can avoid adhering to these protections by merely withdrawing from the membership of the USOC. Second, it may be argued that the USOC provisions do not apply to, or restrict, the conduct of a member of a USOC member. For example, the NCAA has argued that even though the NCAA has rejoined the U.S. Olympic Committee, a member university or a member conference of the NCAA is in no way restricted by the USOC athletes' rights provision and is therefore free to deny an athlete the right to compete regardless of the provisions in the USOC Constitution. Third, section 209 leaves enforcement of the athletes' rights section entirely to the USOC. It does not provide for recourse to the courts for enforcement of the provision since no federal right is granted by the section. Thus, an athlete is entirely dependent on the voluntary enforcement mechanisms contained in the USOC Constitution. How effective these mechanisms will be in protecting athletes from the abuses of certain sports organizations and educational institutions is yet to be seen.

Prior drafts of the Senate bill which passed the Senate by voice vote on May 8, 1978, did contain a substantive provision guaranteeing an athlete a limited right to compete

in certain international competitions. This provision was found in Title III of the August 5 and December 21, 1977 drafts. (See Exhibits D and E attached hereto). On January 30, 1978, the Athletes' Advisory Council agreed in a meeting with representatives of the NCAA, the NFSHA (National Federation of State High School Associations), and AIAW (the Association of Inter-collegiate Athletics for Women) to recommend to Senator Stevens that Title III be deleted from the legislation.

Many individuals have asked me why the athletes ever agreed to such a deletion. You may be asking the same question. The answer, really, is quite simple. It lies in the unwillingness of the NCAA and the National Federation of State High School Associations to recognize the existence of any "right" of an athlete to compete. Because of the announced opposition of the NCAA and the High School Federation to the athletes' rights section contained in the prior drafts, and the combined power of these two organizations which the athletes have been led to believe is enough to kill any legislation (Title IX notwithstanding), the athletes agreed to, and helped draft, the compromise language contained in Title II, section 209 of the present bill (See page 16, lines 7-18 of H.R. 12626).

In short, the athletes on the Athletes' Advisory Council value the benefits that would accrue with the passage of S. 2727 - H.R. 12626 so much that -- faced with the

possibility of losing everything because of the opposition of the school/college community to the athletes' rights section -- we decided to accept a compromise version in return for assurances from the NCAA and the High School Federation that they would not actively oppose the bill.

I hope that you will agree with the 42 Olympic and Pan American athletes on the Athletes' Advisory Council that the legislation has great merit and that you will vote in favor of the bill.

* * *

As an aid to your understanding of the history behind the present version of the athletes' rights section contained in the bill, I have compiled a Chronology and list of exhibits which trace the athletes' rights section. That chronology and list of exhibits is attached hereto. I would invite your particular attention to the statement by Anita deFrantz dated April 16, 1978, annexed hereto as exhibit J. In that statement, Anita explains to the membership of the USOC the reasons why the athletes proposed the compromise which helped bring about the non-opposition of the school-college community to the bill.

APPENDIX

KEY EVENTS WITH REGARD TO THE
CONSIDERATION OF THE ATHLETES' RIGHTS
SECTION OF THE AMATEUR SPORTS ACT OF 1978

December 14-15, 1974 USOC Biennial Meeting, Orlando, Florida

USOC adopts an athletes' rights section in its Constitution. Seeks to protect the right of an athlete (representing the United States) to participate in any international amateur athletic competition involving a sport on the Olympics or Pan American Games program. Contains a "notwithstanding clause" objected to by several NGBs and the athletes. (Exhibit B)

April 29-30, May 1, 1977 USOC Quadrennial Meeting, Colorado Springs, CO.

USOC amends its athletes' rights section to delete the "notwithstanding clause." Protection still covers "any international amateur athletic competition" in which an athlete represents the United States. (Exhibit C)

August 5, 1977 -- S. 2036 ("Amateur Sports Act of 1977") introduced by Senators Stevens, Culver and Stone and referred to the Senate Committee on Commerce, Science and Transportation.

Section 303 of Title III ("Athletes' Right to Participate") would accord different levels of protection to an international competition depending on whether the competition was "unrestricted" or "restricted." (Exhibit D)

September 10-11, 1977 Meeting of Athletes' Advisory Council

AAC announced its support for Senate Bill 2036. Recommended strengthening the athletes' rights section.

September 15, 1977 NCAA News - Vol. 14, No. 9

Statement by NCAA President in NCAA News: Mr. J. Neils Thompson announces that the athletes' rights section contained in USOC Constitution is "unacceptable" to NCAA; Title III, § 303 of S.2036 likewise unacceptable.

October 18-19, 1977 -- Hearings before the Senate Commerce Committee.

NCAA: Objected to athletes' rights section and urged adoption of an exception in favor of restrictions imposed by educational institutions (or associations thereof), "designed to advance the educational interests of the students or to protect regular programs of athletic competition in those institutions." (Senate Hearings, p. 185)

AAC: Urged Senators to extend protections to at least the level sought to be guaranteed by USOC Constitution. Suggested substitute proposal:

"SEC. 303. (a) No national governing body, educational institution, or sports organization may deny or threaten to deny any eligible amateur athlete the opportunity to participate in any sanctioned international amateur athletic competition. Nor may a national governing body, educational institution or sports organization censure, or otherwise penalize, an athlete for having participated in such a competition. This section shall not absolve an athlete from satisfying the reasonable academic requirements of his or her educational institution.

(b) The rights granted to eligible amateur athletes under Section 303(a) of this Title shall equally apply to any coach, trainer, manager or administrator selected to participate in the conduct of any sanctioned international amateur athletic competition."

AAU: Concurred in the athletes' rights section as proposed by the AAC. (Senate Hearings, page 189)

USOC: Supported the position taken by the athletes. ["The rule of reason for academic considerations only] is the athlete's position; and that is the position at this juncture of the USOC." (Senate Hearings, p. 70)

December 21, 1978 -- Staff Working Draft published.

Associations of educational institutions would be prohibited from denying an athlete the opportunity to participate. However, an educational institution would be permitted to deny an athlete an opportunity to participate in international competition if such participation (1) would prevent the athlete from meeting the academic requirements that are applicable to all students who participate in the athlete's course of studies; OR (2) occurs during the regular season in the sport in which the athlete competes and would jeopardize the athlete's participation and performance in the educational institution's established sports program in the sport in which the athlete competes. (See Exhibit E)

December 21, 1978 -- Letter from NCAA to Senator Stevens

NCAA announces its formal opposition to "federal legislation along the lines of S.2036." The National Federation of State High School Associations ("NFSHSA") joined the NCAA in its opposition to the legislation.

Early January 1978 -- Col. Miller informs Chairman of AAC that NCAA's opposition reportedly centers on Title III (Athletes' Rights) and that if that section were dropped from the bill, NCAA would not oppose remaining Titles, with which it has "no problems".

January 19, 1978 -- Informal meeting with Senator Stevens in Washington attended by various interested sports groups.

- NCAA: Counsel for NCAA states that "NCAA is not in support of this legislation" and announces that NCAA will not participate in the discussion. His silence is not to be construed as support for any provision in the Staff Working Draft.
- AAC: Chairman of AAC reiterates athletes' support of the legislation and submits strengthened version of athletes' rights section for consideration by Senate Commerce Committee staff. (See Exhibit F)
- AAU: Reaffirms support for AAC position on athletes' rights.
- Sen. Stevens -- Suggests that Col. Miller call a meeting of interested parties, but in particular, representatives from the athletes and school/college community, to find a "possible solution to the impasse which currently exists regarding athletes' rights". Senator Stevens went on to state in a January 27 letter, "If the parties involved can reach some sort of accommodation regarding this issue, I would urge the Congress to accept their agreement."

January 28-29, 1978 -- AAC meeting in Chicago.

AAC Chairman given authority to negotiate with NCAA representatives to achieve the fundamental purposes of the proposed legislation. Deletion of the substantive federal rights provided in Title III (i.e., Athletes Rights) recommended as a possible accommodation as long as NCAA gives assurances to the athletes, in writing, that (1) it would not oppose Titles I and II of the Bill and (2) it would rejoin the USOC and thereby become subject to the USOC Athletes' Rights section.

January 30, 1978 -- Meeting in Olympic House.

Meeting called by Col. Miller at the request of Senator Stevens in an attempt to reach accommodation and attended by representatives from NCAA, AAC, NFSHSA and AIAW as well as representatives from Commerce Committee staff.

Counsel for NCAA states that NCAA's opposition to provision guaranteeing athletes' rights is unchanged. Athletes propose accommodation recommended at the January 28-29 AAC meeting. AAC emphasizes that athletes' willingness to put forth accommodation, including submission of proposed changes to athletes' rights section contained in the USOC Constitution, is conditioned on NCAA giving requested assurances, in writing. NCAA refuses to give assurances at that time but states they would be forthcoming "with a little more dialogue".

Counsel for NCAA gives Chairman of AAC commitment to personally keep athletes informed of his client's position on the bill.

February 2, 1978 -- Letter from AAC Chairman to counsel for NCAA confirming understanding reached at January 30 meeting:

"As you know, the athletes' willingness to put forth and support this constitutional change (and not press for federal legislation in the area of athletes' rights) is conditioned upon the NCAA rejoining the USOC and not opposing the remaining proposed legislation. As soon as you can give me your assurances in this regard, I will submit, as a proposed constitutional change, the attached agreed to wording to the Secretary of the USOC for consideration by the House of Delegates on April 14-16. At the same time, I would propose that Col. Miller inform Senator Stevens that we have reached agreement on this issue and submit to him the proposed language for the bill.

February 10, 1978 -- Revised Staff Working Draft printed.

Title III (Athletes' Opportunity to Compete") contained in December 21 Staff Working Draft deleted.

New section 209, Title II ("Athletes' Opportunity to Compete") included. Contained the language agreed to at the January 30 meeting in Olympic House. This provision would require the USOC to establish and maintain in its Constitution provisions for the swift and equitable resolution of disputes involving the opportunity of an athlete (and others) to participate in the Olympic Games, Pan American Games, world championship competitions and such "protected competitions" as the USOC might designate.

Also contained a definition of "protected competition." (See Exhibit G)

February 14, 1978 -- Last day to submit proposed changes to USOC Constitution.

- NCAA fails to give athletes requested assurances.

- AAC nonetheless submits proposed changes to athletes' rights section of USOC Constitution conditioned on eventual receipt of written assurances from NCAA. (See letter to Dr. Tenley Albright, Exhibit B)

February 18, 1978 -- Meeting of USOC Executive Board.

- USOC Executive Board recommends approval of proposed Constitutional changes provided NCAA gives requested assurances at or before House of Delegates meeting.

February 20, 1978 -- Meeting of interested parties in Washington with Senator Stevens.

- NCAA: "We are opposing the bill."
- AAC: Urges the NCAA to give the requested assurances.

March 10, 1978 -- S.2727 (as revised) printed.

Section 209, Title II, revised to exclude definition of "protected competition" which was left to USOC to define in its Constitution. (See Exhibit I)

March 20, 1978 -- NCAA submits to Senator Stevens seven proposed changes which, if incorporated into the bill, might result in a modification of the NCAA's "position of active opposition [to the bill]." Several of the changes are incorporated, in whole or in part, in the final version of the bill.

April 3, 1978 -- NCAA submits application to rejoin USOC.

April 6, 1978 -- S.2727 reported out of Commerce Committee.

Co-sponsors of the Bill include Senators Stevens, Culver, Stone, Cannon, Pearson, Griffin, Goldwater, Hayakawa, Matsunaga and Kennedy.

April 10, 1978 -- NCAA announces that it does not intend to oppose S.2727 as reported out of the Commerce Committee on April 6.

April 14 - 16 1978 -- USOC House of Delegates Meeting

- NCAA rejoins USOC (subject to adoption of proposed changes in athletes' rights section of USOC Constitution).

- Anita deFrantz, on behalf of Athletes' Advisory Council, urges USOC House of Delegates to approve proposed changes to Athletes' rights section of USOC Constitution pursuant to compromise worked out with NCAA even though said changes narrow the protection afforded athletes. For complete text of statement by Ms. deFrantz, see Exhibit J.
- USOC House of Delegates approves proposed changes. For complete text of new USOC athletes' rights section, see Exhibit K.

May 8, 1978 S. 2727 unanimously approved by voice vote.

Athletes' rights section unchanged from March 10 version (see Exhibit I).

EXHIBIT A

ATHLETES' RIGHTS SECTION

Proposed* by the

ATHLETES' ADVISORY COUNCIL

"No National Governing Body, sports organization, educational institution, or association of educational institutions may deny or threaten to deny any amateur athlete, coach, trainer, manager, or administrator the opportunity to participate in any international amateur athletic competition** sanctioned by the National Governing Body for the particular sport. Nor may a National Governing Body, sports organization, educational institution, or association of educational institutions censure or otherwise penalize any athlete, coach, trainer, manager or administrator for having participated in such a competition. However, an educational institution which an amateur athlete is attending at the time of such competition, may deny the athlete the opportunity to participate if, after an appropriate hearing, the educational institution reasonably determines that such participation would not be consistent with the athlete satisfying academic requirements which are applicable to all students enrolled in the athlete's course of studies."

* Submitted to the Senate Commerce Committee staff on January 19, 1978

** "International amateur athletic competition" to be defined as "(A) any amateur athletic competition between any athlete representing the United States, either individually or as part of a team, and any athlete or athletes representing any foreign country, and (B) any amateur athletic competition used to qualify United States amateur athletes for such competition."

EXHIBIT B



Constitution as Amended
at the Biennial Meeting,
Orlando, Fla.,
December 14-15, 1974

→ FORMER ←

USOC ATHLETES' BILL OF RIGHTS

ART. II, §§ 6-7

Section 6. The corporation shall, by all lawful means at its disposal, protect the right of every individual who is eligible under reasonable national and applicable international amateur athletic rules and regulations to participate if selected (or to attempt to qualify for selection to participate) as an athlete, coach, trainer, administrator, manager, or other official representing the United States in any international amateur athletic competition, if such competition (conducted in compliance with reasonable national and applicable international requirements) involves any sport included in the Olympic Games or Pan American Games program during the Olympiad period concurrent with such participation or the attempt to qualify for participation.

~~Notwithstanding these provisions, the corporation shall honor the decision of any member of the corporation or of any university, college, high school, or other educational institution which an individual is attending at the time he is selected to participate or attempts to qualify to participate, to deny him such right, provided that, after an appropriate hearing conducted by such member or by the educational institution at a reasonable time prior to such participation or attempt to qualify for such participation, it is determined that such activity would violate applicable amateur athletic rules or would unreasonably interfere with the individual's academic or athletic interests--~~ or, in the case of a coach, manager or administrator, with his employment interests--at the individual's institution. In any other instance, the corporation shall by all lawful means at its disposal, prevent any person or organization from directly or indirectly--through the imposition, or threats of imposition, of penalties or other sanctions upon the individual or the educational institution concerned--coercing or interfering with the freedom of the individual to participate or to attempt to qualify for selection to participate, in any amateur athletic competition covered by this section.

Section 7. Any individual who alleges that he has been denied by any person or organization directly or indirectly connected with the U.S.O.C. a right established by the preceding Section shall immediately inform the Executive Director of the U.S.O.C., who shall promptly cause an investigation to be made and steps to be taken to settle the controversy without delay. Without prejudice to any action that may be taken by the U.S.O.C., if the controversy is not settled, the individual may submit to the American Arbitration Association for binding arbitration, a claim against such person or organization documenting the alleged denial not later than six months after the date of the denial; except that the Association is authorized, upon forty-eight (48) hours' notice to the parties concerned, and to the corporation, to hear and decide the matter under such procedures as the Association deems appropriate, if the Association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the Association to do justice to the affected parties.

NOTE

* The bracketed sentence in the former USOC Athletes' Bill of Rights-- the so-called "notwithstanding clause"-- is essentially equivalent to the "reasonableness test" to which the NCAA would subjugate any "rights" accorded to athletes in Title III, §303(a) and (b) of the proposed legislation. This "notwithstanding clause" and the reasonableness test contained therein was specifically rejected by the membership of the USOC when it amended its Constitution at the Quadrennial Meeting, April 29-30 and May 1, 1977.



Constitution as Amended
at the Quadrennial Meeting.
Colorado Springs, Colo.
April 29-30, May 1, 1977

USOC ATHLETES' BILL OF RIGHTS

ART. II, §§ 6-9

Section 6. The corporation shall, by all lawful means at its disposal, protect the right of every individual who is eligible under reasonable national and applicable international amateur athletic rules and regulations to participate if selected (or to attempt to qualify for selection to participate) as an athlete representing the United States in any international amateur athletic competition, if such competition (conducted in compliance with reasonable national and applicable international requirements) involves any sport included in the Olympic Games or Pan American Games program during the Olympiad period concurrent with such participation or the attempt to qualify for participation. *(Amended 5-19-78)*

Section 7. Any amateur athlete who alleges that he or she has been denied by a person or an organization which is a member of the U.S.O.C. a right established by the preceding Section shall immediately inform the Executive Director of the U.S.O.C., who shall promptly cause an investigation to be made and steps to be taken to settle the controversy without delay. Without prejudice to any action that may be taken by the U.S.O.C., if the controversy is not settled to his or her satisfaction, the athlete may submit to any regional office of the American Arbitration Association for binding arbitration, a claim against such U.S.O.C. member documenting the alleged denial not later than six months after the date of the denial; except that the Association (upon request by the athlete in question) is authorized, upon forty-eight (48) hours' notice to the parties concerned, and to the corporation, to hear and decide the matter under such procedures as the Association deems appropriate, if the Association determines

that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the Association to do justice to the affected parties. By maintaining membership in the U.S.O.C., each member agrees that any such aforesaid controversy may be submitted to binding arbitration as provided in this Section and agrees to be bound by the arbitrators' award as a result thereof.

Section 8. Any amateur athlete who alleges that he or she has been denied a right established by Section 6 by a person or organization which is not a member of the U.S.O.C. shall immediately inform the Executive Director, who will consult with the Counselor (or Assistant Counsel) to determine whether the situation appears to be of sufficient seriousness and relevance to the obligations or responsibilities of the U.S.O.C. under its Congressional Charter to warrant action by the corporation in support of the athlete's claim. In the event that action by the U.S.O.C. appears to be warranted, the matter will be referred to the Administrative Committee, which will decide the nature and extent of the action to be taken in the case.

Section 9. The rights granted to athletes under Section 6 and 7 of this article shall equally apply to any coach, administrator, trainer, manager, or other official seeking to participate in the conduct of any international amateur athletic competition.

EXHIBIT G

[STAFF WORKING DRAFT]

FEBRUARY 10, 1978

93TH CONGRESS
2d SESSION**S.**

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 1978

Mr. STEVENS (for himself, Mr. CULVER, and Mr. STONE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

* * *

ATHLETE'S OPPORTUNITY TO PARTICIPATE

SEC. 209. Title I of the Act, as amended by this Act, is further amended by adding at the end thereof the following new section:

"SEC. 114. In its constitution and bylaws, the Corporation shall establish and maintain provisions for the swift and equitable resolution of disputes involving the opportunity for an amateur athlete, or a coach, trainer, manager, administrator, or other official to participate in the Olympic Games, the Pan American Games, world championship competition, or other such protected competition. As used in this section, the term 'protected competition' means any international amateur athletic competition in a sport included within the calendars of the Pan American or Olympic

Games: (a) the terms of which competition require that the entrants therein be teams or individuals representing their respective nations; (b) the United States team or group of individuals for which is officially designated as representing the United States by the appropriate national governing body; (c) the United States team or group of individuals for which is selected, organized, and sponsored by the appropriate national governing body; and (d) the United States team or group selection process for which is made on a national qualification basis, through a defined selection or tryout process, publicly announced in advance. Except for domestic amateur athletic competition expressly restricted to a specific class of amateur athletes (such as high school athletes, college athletes, or members of the Armed Forces), the term 'protected competition' shall also include any domestic amateur athletic competition or tryouts announced by the appropriate national governing body as directly qualifying successful competitors therein as a member of the United States team or group of individuals for participation in protected competition referred to in the immediately preceding sentence of this section."

EXHIBIT H



UNITED STATES OLYMPIC COMMITTEE

OLYMPIC HOUSE 57 PARK AVENUE, NEW YORK, N. Y. 10016 • Tel. (212) 686-1456 • CABLE: "AMOLYMPIC"

EDWARD G. WILLIAMS, Chairman
Athletes' Advisory Council
28 Schermerhorn Street
Brooklyn Heights, N. Y. 11201

VIII PAN AMERICAN GAMES, San Juan, Puerto Rico, August 4-18, 1979
XIII OLYMPIC WINTER GAMES, Lake Placid, U.S.A., February 13-24, 1980
GAMES OF THE XXII OLYMPIAD, Moscow, U.S.S.R., July 19-August 3, 1980

February 14, 1978

Re: Proposed Changes to the USOC Constitution

Tenley E. Albright, M.D.
Secretary
United States Olympic Committee
57 Park Avenue
New York, New York 10016

Dear Tenley:

The Athletes' Advisory Council respectfully submits, subject to the eventual receipt of two assurances requested from the National Collegiate Athletic Association, several proposed changes to the USOC Constitution for preliminary consideration by the Legislation Committee and USOC Executive Board. Should the proposed changes meet with the approval of the Legislation Committee and USOC Executive Board, and should the NCAA give the Athletes' Advisory Council the required assurances, then the AAC will support the submission of the proposed changes to the full membership of the USOC (House of Delegates) at its meeting on April 14-16, 1978. Should the NCAA not give the AAC the required assurances prior to the April meeting, the AAC will withdraw the proposed changes and any prior submission will be null and void. The two required assurances from the NCAA are as follows:

- (1) That the NCAA will not oppose Titles I and II of S. 2036 presently being considered by the Senate Committee on Commerce, Science and Transportation; and
- (2) That the NCAA will rejoin the USOC and abide by the terms of its Constitution.

- 2 -

The proposed constitutional changes herein submitted were carefully worked out at a meeting at Olympic House on January 30, 1978 and in several discussions thereafter. The January 30 meeting was called by Col. Miller at the request of Senator Ted Stevens when, at the meeting in Washington on January 19, it became clear to Senator Stevens that no agreement could be reached at that time with regard to Title III (the proposed "Amateur Athlete's Bill of Rights Act.") Senator Stevens asked Col. Miller to call the meeting so that interested parties, but particularly representatives from the school/college community and the athletes, could find a "possible solution to the impasse which currently exists regarding athletes rights." Senator Stevens went on to state, in a January 27 letter, "if the partys involved can reach some sort of accommodation regarding this issue, I would urge the Congress to accept their agreement."

In attendance at the January 30 meeting at Olympic House, and representing the indicated organizations, were the following:

USOC	Col. F. Don Miller John A. McCahill, Esq.
NCAA	Michael Scott, Esq.
AAC	Edward G. Williams, Esq.
NFSHA	Jack Roberts
AIAW	Margo Polivy, Esq.

Gary Johansen, Esq., Ms. Mary McAuliffe and Ms. Donna deVarona also attended the meeting as representatives from the staff of the Commerce Committee, but did not participate in the discussions except when asked to comment on matters or answer questions posed by the other individuals present.

At the outset of the meeting, it became clear that the NCAA would oppose the recognition, in federal legislation, of an athlete's right to compete. Counsel for the NCAA indicated that if S. 2036 contained such a provision, the NCAA would oppose the entire bill. The representative from the National Federation of State High School Associates, Jack Roberts, indicated that his organization would similarly oppose the bill if it recognized an athlete's right to compete. In an attempt to reach a compromise position that would be acceptable to all--and to preserve the important legislation contained in Titles I and II of the bill, the AAC proposed that it would recommend to the Senate sponsors of the bill that Title III of the bill in its present form be deleted if the NCAA would agree (1) not to oppose the remaining portions of the bill (Titles I and II) and (2) to rejoin the USOC and thereby become subject to the terms of the USOC Constitution. Counsel for the NCAA indicated

- 3 -

that this indeed was a possible compromise position provided that the wording of the athlete's bill of rights presently contained in the USOC Constitution (Article II, § 6-8) was revised to make it acceptable to the NCAA.

For the next five hours, those present at the meeting worked on language for a USOC athlete's bill of rights that would be acceptable to the NCAA as well as the athletes. Of chief concern to counsel for the NCAA was the need to define, in specific terms, the types of competitions--both international and domestic--that would be protected by the athletes' rights section (i.e., the so-called "protected competitions"). The language set forth below is the language agreed to by all present at the January 30 meeting with the exception of several non-substantive changes suggested by the NCAA which were made subsequent to the meeting. These changes were discussed and agreed to by both Col. Miller and myself.*

The proposed constitutional changes are as follows:

First, add a new paragraph 8 to Article I, Section 1 ("Objects and purposes of the corporation"). The new paragraph would contain the language presently contained in Article II, Section 6 of the USOC Constitution. It was agreed that this language more appropriately goes under the Section 1 "Objects and purposes" since the language sets forth the policy of the USOC and does not, in itself, grant a "right." The new section 1, para (8) of Article II would read as follows:

"Section 1. The objects and purposes of the corporation shall be:

* * *

(8) to protect, by all lawful means at its disposal, the right of every individual who is eligible under reasonable national and applicable international amateur athletic rules and regulations, to participate if selected (or to attempt to qualify for selection to participate) as an athlete representing the United States in any international amateur athletic competition, if such competition (conducted in compliance with reasonable national and applicable international requirements) involves any sport included in the Olympic Games or Pan American Games program during the Olympiad period concurrent with such participation or the attempt to qualify for participation."

* At the most recent meeting of the Athletes' Advisory Council in Chicago on January 28-29, the AAC voted to give its chairman authority to negotiate with the NCAA with respect to the bill and other matters.

- 4 -

Second, delete sections 6 through 9 of Article II and substitute therefor the following:

- add a new section 6 which would prohibit any member of the USOC from denying an amateur athlete the opportunity to compete in the Olympic Games, the Pan American Games, world championship competition, or other such "protected competition";

- add a new section 7 which defines "protected competition", i.e., the types of competition which would come within the USOC Athletes' Bill of Rights;

- renumber the present section 7 and make it section 8. (This section sets forth the procedures to be followed by an athlete who is denied the opportunity to participate in a "protected competition" by a member of the USOC.)

- add a new section 9 which sets forth the procedures to be followed by an athlete who is denied the opportunity to participate in an international amateur athletic competition that is not, because of its nature, a "protected competition" as defined in section 7--regardless of whether or not such denial was by a USOC member. Thus, this new section would permit the USOC to support--as does the present section 8--the arbitration or judicial resolution of a complaint brought by an athlete--even though the competition is not a "protected competition" and regardless of whether the denial was by a USOC member or not--as long as it is determined that "the situation appears to be of sufficient seriousness and relevance to the obligations or responsibilities of the USOC under its Congressional Charter to warrant action by the corporation in support of the athlete's claim."

- renumber the present section 9 and make it section 10 (so that the rights granted to athletes shall equally apply to any coach, trainer, administrator, manager or other official seeking to participate in the conduct of international amateur athletic competition.)

The precise wording of Article II, §§ 6-10 that was agreed to by the NCAA and the AAC for submission to you today is as follows:

Section 6. No member of the USOC may deny or threaten to deny any amateur athlete the opportunity to compete in the Olympic Games, the Pan American Games, world championship competition, or other such protected competition as set forth in Section 7; nor may it censure, subsequent to such competition, or otherwise penalize, any such athlete who participates in such competition.

- 5 -

Section 7. As used in Section 6 of this Article, "protected competition" means any international amateur athletic competition in a sport included within the calendars of the Pan American or Olympic Games: (a) the terms of which competition require that the entrants therein be teams or individuals representing their respective nations; (b) the United States team or group of individuals for which is officially designated as representing the United States by the appropriate Group A member; (c) the United States team or group of individuals for which is selected, organized and sponsored by the appropriate Group A member; and (d) the United States team or group selection process for which is made on a national qualification basis, through a defined selection or tryout process, publicly announced in advance. Except for domestic amateur athletic competition expressly restricted to members of a specific class of amateur athletes (such as high school athletes, college athletes or members of the Armed Forces), the term "protected competition" shall also include any domestic amateur athletic event or tryout organized and conducted by the appropriate Group A members, and announced in advance to prospective entrants and publicly by such Group A member, as directly qualifying successful competitors therein as a member of the United States team or group of individuals for participation in protected competition referred to in the immediately preceding sentence of this Section.

Section 8. Any amateur athlete who alleges that he or she has been denied by a U.S.O.C. member a right established by Section 6 shall immediately inform the Executive Director of the U.S.O.C., who shall promptly cause an investigation to be made and steps to be taken to settle the controversy without delay. Without prejudice to any action that may be taken by the U.S.O.C., if the controversy is not settled to his satisfaction, the athlete may submit to any regional office of the American Arbitration Association for binding arbitration, a claim against such U.S.O.C. member documenting the alleged denial not later than six months after the date of the denial; except that the Association (upon request by the athlete in question) is authorized, upon forty-eight (48) hours' notice to the parties concerned, and to the U.S.O.C., to hear and decide the matter under such procedures as the Association deems appropriate, if the Association determines that it is necessary to expedite such arbitration in order to resolve a

matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the Association to do justice to the affected parties. By maintaining membership in the U.S.O.C., each U.S.O.C. member agrees that any such aforesaid controversy may be submitted to binding arbitration as provided in this Section and agrees to be bound by the arbitrators' award as a result thereof.

Section 9. Any amateur athlete, who alleges that he or she has been denied, whether or not by a U.S.O.C. member, an opportunity to compete in any international amateur athletic competition not protected by the terms of Section 6, shall immediately inform the Executive Director, who will consult with the Counselor (or Assistant Counsel) to determine whether the situation appears to be of sufficient seriousness and relevance to the obligations or responsibilities of the U.S.O.C. under its Congressional Charter to warrant action by the corporation in support of the athlete's claim. In the event that action by the U.S.O.C. appears to be warranted, the matter will be referred to the Administrative Committee, which will decide the nature and extent of the action to be taken in the case.

Section 10. The rights granted to athletes under Sections 6 through 9 of this Article shall equally apply to any coach, trainer, administrator, manager or other official seeking to participate in the conduct of international amateur athletic competition.

On February 2, 1978, I wrote to Mr. Scott, counsel for the NCAA, in part as follows:

"As you know, the athletes' willingness to put forth and support this constitutional change (and not press for federal legislation in the area of athlete's rights) is conditioned upon the NCAA rejoining the USOC and not opposing

- 7 -

the remaining proposed legislation. As soon as you can give me your assurances in this regard, I will submit, as a proposed constitutional change, the attached agreed to wording to the Secretary of the USOC for consideration by the House of Delegates on April 14-16. At the same time, I would propose that Col. Miller inform Senator Stevens that we have reached agreement on this issue and submit to him the proposed language for the bill.

"You have told me that you will contact me as soon as your client reaches decision. I should remind you, however, that the deadline for the submission of proposed constitutional changes -- if they are to be considered at the April meeting of the House of Delegates -- is February 14."

It is now February 14 -- the last day to submit proposed constitutional changes for consideration at the April meeting -- and I have yet to receive a reply from Mr. Scott to my February 2 letter. However, on the assumption that the representations made by Mr. Scott were made in good faith and were, indeed, the views of his client, and furthermore, in order to comply with USOC rules, I am submitting the above proposed constitutional changes at this time. If the AAC does not receive the assurances we requested and which we were led to believe at the start of the January 30 meeting in Olympic House would be forthcoming from the NCAA (or if the NCAA should act contrary to any such assurances given), these proposed changes will be withdrawn and should be considered null and void.

For your additional information, attached hereto is the proposed language, also agreed-to at the January 30 meeting, which would be submitted to the Senate sponsors of S.2036 as substitute language to the wording of Title III as it presently exists -- again provided that the requested assurances are received from the NCAA.

Very Sincerely,

Edward G. Williams

Edward G. Williams

cc: Col. F. Don Miller
John A. McCahill, Esq.
Michael Scott, Esq.
Mr. Jack Roberts
Margo Polivy, Esq.
Gary Johansen, Esq.

PROPOSED LANGUAGE FOR S. 2036
PERTAINING TO ATHLETES' RIGHTS

In its Constitution, the corporation shall establish and maintain provisions for the swift and equitable resolution of disputes involving the opportunity for an amateur athlete, or a coach, trainer, manager, administrator or other official to participate in the Olympic Games, the Pan American Games, world championship competition, or other such protected competition. As used in this Section, the term "protected competition" means any international amateur athletic competition in a sport included within the calendars of the Pan American or Olympic Games: (a) the terms of which competition require that the entrants therein be teams or individuals representing their respective nations; (b) the United States team or group of individuals for which is officially designated as representing the United States by the appropriate national governing body; (c) the United States team or group of individuals for which is selected, organized and sponsored by the appropriate national governing body; and (d) the United States team or group selection process for which is made on a national qualification basis, through a defined selection or tryout process, publicly announced in advance. Except for domestic amateur athletic competition expressly restricted to a specific class of amateur athletes (such as high school athletes, college athletes or members of the Armed Forces), the term "protected competition" shall also include a domestic amateur athletic event or tryout organized and conducted by the appropriate national governing body, and announced in advance to prospective entrants and publicly by such national governing body, as directly qualifying successful competitors therein as a member of the United States team or group of individuals for participation in protected competition referred to in the immediately preceding sentence of this Section.

EXHIBIT I

95TH CONGRESS
2d Session**S. 2727****IN THE SENATE OF THE UNITED STATES**

MARCH 10 (legislative day, FEBRUARY 6), 1978

Mr. STEVENS (for himself, Mr. CULVER, Mr. STONE, Mr. CANNON, Mr. PEARSON, Mr. GRIFFIN, Mr. GOLDWATER, Mr. HAYAKAWA, Mr. MATSUNAGA, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To promote and coordinate amateur athletic activity in the United States, to recognize certain rights for United States amateur athletes, to provide for the resolution of disputes involving national governing bodies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That this Act may be cited as the "Amateur Sports Act of 1978".

TITLE II—OLYMPIC COMMITTEE**ATHLETE'S OPPORTUNITY TO PARTICIPATE**

"SEC. 114. In its constitution and bylaws, the Corporation shall establish and maintain provisions for the swift and equitable resolution of disputes involving the opportunity of an amateur athlete, coach, trainer, manager, administrator, or other official, to participate in the Olympic Games, the Pan American Games, world championship competition, and any other amateur athletic competitions which may be designated by the corporation.

EXHIBIT J

STATEMENT OF ANITA DE FRANTZ
of the
ATHLETES' ADVISORY COUNCIL
to the
USOC HOUSE OF DELEGATESLake Buena Vista, Florida
April 16, 1978

I wish to address this gathering on the issue of the proposed changes to the athletes' rights section of the USOC Constitution which you will shortly be asked to resolve by vote. I feel this is necessary because it may seem curious to you that the Athletes' Advisory Council is proposing an amendment which has the effect of limiting the rights of athletes currently guaranteed by the USOC Constitution.

I, and the athletes I represent, believe that athletes have an absolute right to compete. To have the opportunity to give one's best effort in an athletic competition free from arbitrary control or sanction is a birth right which cannot be altered by a mere stroke of a pen.

However, history has demonstrated that this right to compete has not been considered absolute. Indeed, history shows a tendency to limit this right. At this time, I wish to share with you the history that brings the AAC to offer the proposed amendment to the USOC Constitution.

As you may know, the President's Commission on Olympic Sports ("PCOS") completed its work in January 1977.

The PCOS presented a report which described the amateur athletic effort in the United States as being marred by dogfights between competing athletic organization. The Report of the President's Commission went on to document horror story after horror story in which athletes were denied -- by one organization or the other -- the right of an athlete to compete. No single organization had a monopoly in this regard. All this contributed to the decline of performances by American athletes -- both in domestic and international competition. Among the recommendations of the PCOS was a proposal for legislation which would contain a so-called Bill of Rights for athletes. The PCOS further recommended that the USOC restructure itself in a vertical structure which would incorporate all amateur sport organizations.

The United States Olympic Committee responded to the various recommendations of the PCOS by reorganizing itself along the lines called for in the Report to the President and by revising its own Bill of Rights for athletes to make it even stronger than the version then contained in its Constitution. That strong version -- which seeks to protect the right of any amateur athlete representing the United States to compete in any international amateur athletic competition -- was adopted by the USOC House of

Delegates at its Quadrennial Meeting in Colorado Springs last year. However, the beneficial effects of the PCOS's recommended vertical structure could not be accomplished without the participation of all amateur sport organizations in the USOC.

Federal legislation which incorporated the recommendations of the PCOS (including an athletes' rights section) was proposed and is currently under consideration in the Senate. Again, however, in order to achieve the goals of the legislation, the participation of all sports organizations is necessary.

Starting in the fall of 1977, a series of Hearings concerning the proposed legislation were held before the Senate Commerce Committee. In addition, a number of meetings of interested parties were held with Senator Stevens -- chief architect of the proposed legislation. During these sessions, it became obvious that the one stumbling block preventing the necessary accord was the refusal of the school - college community (but principally the NCAA) to accept any proposed version of an athletes' rights section that would recognize the right of an athlete to compete -- free of arbitrary control -- in international amateur athletic competition.

In the interest of achieving the major thrust of the proposed legislation, the Athletes' Advisory Council --

at its meeting on January 28-29, 1978 -- voted to offer a compromise to the NCAA at a meeting scheduled to be held in New York the next day. That compromise -- which was presented to the NCAA -- called for the athletes recommending to Senator Stevens that the Athletes' Rights section of the proposed bill (i.e., Title III of § 2036) be dropped from the bill in return for assurances from the NCAA (a) that the NCAA would not oppose the remaining legislation and (b) that the NCAA would rejoin the USOC and thereby become subject to the terms of the Athletes' Rights provisions of the USOC Constitution. Counsel for the NCAA expressed his opinion that this proposed compromise appeared viable but insisted that before the NCAA would rejoin the USOC, certain changes be made in the Athletes' Rights section of the USOC Constitution. In addition, counsel stated that he could not give the requested assurances at that time. Counsel for the NCAA did, however, give his personal commitment to our AAC chairman -- Ed Williams -- that he would communicate with the AAC concerning the status of the requested assurances and that communication would be open and candid.

The AAC, as part of its commitment to effectuate the compromise, submitted the proposed Constitutional changes which are now before you. This was done in a letter dated

February 14, 1978 to Dr. Tenley Albright, Secretary of the USOC -- a copy of which you also have. The USOC Executive Board, at its meeting in Chicago on February 18-19, voted to recommend that the House of Delegates approve these changes with the understanding that the changes would become effective only upon reaffiliation of the NCAA to the USOC and secondly, with the understanding that the NCAA would assure us, the athletes, that the NCAA would not oppose the federal legislation. A summary of the key dates with regard to the consideration of § 2036 (now § 2727) -- and in particular the Athletes' Rights section -- is also attached.

It is clear that the amendments before you (set forth in the letter to Dr. Albright dated February 14) weaken the current Athletes' Rights section contained in the USOC Constitution. However, it is important to note that the right to seek redress through arbitration and the courts for a denial of the right to compete by a member of the USOC (and in some instances by a non-member) is preserved. In that regard, please refer to pages 3 and 4 of the February 14 submittal letter to Dr. Albright. Because the right to arbitrate a denial by a member of the USOC of the right to compete

in a "protected competition" is preserved (as well as a non-protective competition in some circumstances) and because the Athletes' Advisory Council recognizes the need for amateur sports in this country to move forward in this country in a unified way, we urge you to accept these proposed changes so that the one last impediment to the NCAA's proposed reaffiliation announced this morning can be removed.

We must work together. In this regard, the athletes have learned full well the need to compromise -- as we did on January 30 and as we do today.

I must add one footnote to this report. Earlier, I had suggested that we all could learn from history. Certainly the athletes have. The athletes are concerned with the history of the NCAA in its treatment of athletes which appears unchanged even today as the NCAA rejoins the USOC. Quite frankly, we feel that the NCAA gave little more than lip service to the concerns of the AAC once the AAC had agreed to submit the proposed changes to the Constitution. The promise of candid and open communication was never fulfilled. Despite repeated requests for the assurances which the NCAA was to give as its part of the compromise, the athletes received nothing but reports from Senator Steven's office that the NCAA would continue to oppose the legislation unless additional changes in the legislation were made.

Fortunately, Col. Miller recognizes the athletes as an important and necessary constituency and kept us informed as best he could. Nonetheless, we are painfully aware of what we consider to be a great reluctance by the NCAA to communicate openly and candidly on matters of obvious mutual concern.

Despite this treatment by the NCAA, the AAC did not withdraw the proposed constitutional changes. The USOC needs our acceptance of the proposed constitutional changes in order to assure the reaffiliation of the NCAA and achieve the unity of effort required for a first class amateur sports program in this country. We urge you to accept them as well. Our comfort in putting forth these amendments -- which weaken the Athletes' Rights section -- is derived from the continued good faith and concern for the athletes as shown by Col. Miller and the officers of the USOC. Our hope and faith must therefore be based on a future of reasoned and understanding administration of amateur sports in this country.

EXHIBIT K



Constitution as Amended
at the Quadrennial Meeting,
Lake Buena Vista, Florida
April 14-16, 1978

USOC ATHLETES' BILL OF RIGHTS

ARTICLE I

"Section 1. The objects and purposes of the corporation shall be:

* * *

(8) to protect, by all lawful means at its disposal, the right of every individual who is eligible under reasonable national and applicable international amateur athletic rules and regulations, to participate if selected (or to attempt to qualify for selection to participate) as an athlete representing the United States in any international amateur athletic competition, if such competition (conducted in compliance with reasonable national and applicable international requirements) involves any sport included in the Olympic Games or Pan American Games program during the Olympiad period concurrent with such participation or the attempt to qualify for participation."

ARTICLE II

* * *

Section 6. No member of the USOC may deny or threaten to deny any amateur athlete the opportunity to compete in the Olympic Games, the Pan American Games, world championship competition, or other such protected competition as set forth in Section 7; nor may it censure, subsequent to such competition, or otherwise penalize, any such athlete who participates in such competition.

Section 7. As used in Section 6 of this Article, "protected competition" means any international amateur athletic competition in a sport included within the calendars of the Pan American or Olympic Games: (a) the terms of which competition require that the entrants therein be teams or individuals representing their respective nations; (b) the United States team or group of individuals for which is officially designated as representing the United States by the appropriate Group A member; (c) the United States team or group of individuals for which is selected, organized and sponsored by the appropriate Group A member; and (d) the United States team or group selection process for which is made on a national qualification basis, through a defined selection or tryout process, publicly announced in advance. Except for domestic amateur athletic competition expressly restricted to members of a specific class of amateur athletes (such as high school athletes, college athletes or members of the Armed Forces), the term "protected competition" shall also include any domestic amateur athletic event or tryout organized and conducted by the appropriate Group A member and announced in advance to prospective entrants and publicly by such Group A member, as directly qualifying successful competitors therein as a member of the United States team or group of individuals for participation in protected competition referred to in the immediately preceding sentence of this Section.

Section 8. Any amateur athlete who alleges that he or she has been denied by a U.S.O.C. member a right established by Section 6 shall immediately inform the Executive Director of the U.S.O.C., who shall promptly cause an investigation to be made and steps to be taken to settle the controversy without delay. Without prejudice to any action that may be taken by the U.S.O.C., if the controversy is not settled to his satisfaction, the athlete may submit to any regional office of the American Arbitration Association for binding arbitration, a claim against such U.S.O.C. member documenting the alleged denial not later than six months after the date of the denial; except that the Association (upon request by the athlete in question) is authorized, upon forty-eight (48) hours' notice to the parties concerned, and to the U.S.O.C., to hear and decide the matter under such procedures as the Association deems appropriate, if the Association determines that it is necessary to expedite such arbitration in order to resolve a

matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the Association to do justice to the affected parties. By maintaining membership in the U.S.O.C., each U.S.O.C. member agrees that any such aforesaid controversy may be submitted to binding arbitration as provided in this Section and agrees to be bound by the arbitrators' award as a result thereof.

Section 9. Any amateur athlete, who alleges that he or she has been denied, whether or not by a U.S.O.C. member, an opportunity to compete in any international amateur athletic competition not protected by the terms of Section 6, shall immediately inform the Executive Director, who will consult with the Counselor (or Assistant Counsel) to determine whether the situation appears to be of sufficient seriousness and relevance to the obligations or responsibilities of the U.S.O.C. under its Congressional Charter to warrant action by the corporation in support of the athlete's claim. In the event that action by the U.S.O.C. appears to be warranted, the matter will be referred to the Administrative Committee, which will decide the nature and extent of the action to be taken in the case.

Section 10. The rights granted to athletes under Sections 6 through 9 of this Article shall equally apply to any coach, trainer, administrator, manager or other official seeking to participate in the conduct of international amateur athletic competition.

Mr. DANIELSON. Our next witness is Dr. Harry G. Fritz, executive secretary of the National Association of Intercollegiate Athletics.

**TESTIMONY OF DR. HARRY G. FRITZ, EXECUTIVE SECRETARY,
NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS**

Dr. FRITZ. Thank you very much, sir. I represent the National Association of Intercollegiate Athletics, and we do represent 525 4-year colleges and universities dispersed throughout the country, and, I think, a very substantial segment of the school and college community in that regard.

We have 16 national championship events, and through the years, even though our colleges are mostly those of modern enrollment and elect people at the major level, we have had a substantial number of Olympians and, in fact, international competition is one of the featured programs within our association.

Mr. Chairman, I think this is very important legislation. I think it affects our quality of life; it will ultimately address many of the great social issues of our country, and it is in the national self-image.

Our international affairs and relations, the problems of our minorities, are very much touched by this legislation.

Mr. DANIELSON. You support it, I guess?

Dr. FRITZ. I support it very strongly, and I think I have sat in these chairs and others in the building when some earlier attempts were made through legislation back 5 or 6 years ago, the Wright bill, the Representative Teague bill, and so forth, and, at best, they were incomplete measures, and I think now we have a piece of legislation here based on a comprehensive study of the President's Commission on Olympic Sports.

This legislation, while it doesn't satisfy the druthers of all the groups participating or represented here today, I think it does track reasonably well with the recommendations of that Commission.

And I think that this bill is perhaps the last chance, at least in my professional career, to lay a real foundation for amateur sports in this country.

Mr. DANIELSON. Give me a brief comment of your position on the athletes' bill of rights.

Dr. FRITZ. I think for the first time the athletes have a voice, a very substantial voice.

Mr. DANIELSON. You think this improves their position?

Dr. FRITZ. Very substantially, I certainly do.

I think, also, I should indicate that the financial assistance requested in this bill is very much integrated with the total reorganization of the Olympic committee, and I think the total bill, itself, and the appropriation are interrelated, and it has been pointed out by others that no capital funds are involved, and we have seen the development of this country on a hit-or-miss basis by accident of geography—

Mr. DANIELSON. You think it can be a one-time infusion of tax money?

Dr. FRITZ. Yes, I do. I have seen a change in the corporate climate. I think this will be the trigger that will provide great infusion of corporate money.

Mr. DANIELSON. You have heard the discussion about the definition of international athletic competition. Do you have any difficulty with the language in that?

Dr. FRITZ. No; I do not.

Mr. DANIELSON. Mr. Helmick came up with a proposed change; would that do violence to your opinion?

Dr. FRITZ. No; it would not.

Mr. DANIELSON. Thank you, sir. I am really sorry to have to rush.

Dr. FRITZ. I would like to say—

Mr. DANIELSON. Now, I not only have the normal pressure, but a rollcall has been noticed.

[The prepared statement of Dr. Fritz follows:]

STATEMENT OF DR. HARRY FRITZ, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS

Mr. Chairman, members of the committee, my name is Harry Fritz and I am Executive Director of the National Association of Intercollegiate Athletics. We sincerely appreciate the invitation to present some of our views relative to H.R. 12626, cited as the Amateur Sports Act of 1978.

The National Association of Intercollegiate Athletics (NAIA) is a completely autonomous Association, currently administering programs of intercollegiate athletics in 525 four-year colleges and universities. Membership is open to fully accredited baccalaureate degree granting institutions that subscribe to the fundamental tenet of the NAIA which holds that intercollegiate athletics is an integral aspect of the total educational program. This belief is strongly reflected in the governance documents, activities and organizational structure of the Association.

Established in 1940, the NAIA grew out of a "National Small College Basketball Tournament" inaugurated in 1937. Now in its 40th year in its original 32 team format and still played in Kansas City, the NAIA Basketball Championship Tournament is the world's largest and oldest collegiate basketball championship. The NAIA competitive program has expanded through the years to include 15 national championships: Basketball—41 years; golf—27 years; outdoor track and field—27 years; tennis—27 years; football—22 years (Division II—8 years); cross country—22 years; swimming—22 years; baseball—22 years; wrestling—21 years; soccer—17 years; bowling—17 years; gymnastics—15 years; indoor track and field—14 years; ice hockey—11 years; volleyball—10 years. The initial purpose of the NAIA—to provide national championship opportunities for colleges and universities of moderate enrollment, competing below the major level—has been well served.

Successful NAIA national championship programs in basketball, football, baseball, track and field, golf, cross country, swimming and wrestling pre-date the availability of these competitive opportunities for smaller colleges not members of the NAIA.

From its inception the NAIA has followed the undeviating policy of supporting the recognized national governing body (NGB) as approved by the United States Olympic Committee and the appropriate international governing body. Following many years of requesting membership in the USOC, several challenges, and a 1961 denial of its application, the NAIA was finally granted membership in the USOC in 1963. Games Committee representation followed in 1965.

The NAIA's international competition policies were commended by the President's Commission on Olympic Sports and, in essence, parallel the PCOS recommendations concerning international competition for school/college teams and athletes. In November five basketball teams played 40 games on NAIA campuses. On November 19, 20 and 21 in Kansas City, four of these teams were involved with four NAIA teams in the first international basketball tournament ever held in the United States.

Annually, and in increasing numbers, NAIA basketball teams compete with foreign countries both on member campuses and abroad. These teams represent both institutions and "all-star" groups. Wrestling, tennis and soccer teams are increasingly finding international competitive opportunities and in 1975 the NAIA sent two football teams to Europe for a series of games. NAIA wrestling and baseball contingents are currently participating in the Orient.

The NAIA is a charter member of the United States Collegiate Sports Council and has provided athletes and coaches for each World University Games since the formation of the USCSC.

NAIA participation in the Olympic and Pan American Games has been nominal, with a "high" of 40 athletes and coaches competing in the 1968 Olympics at Mexico City. The NAIA delegation at the 1976 Montreal Games was headed by Bruce Jenner, decathlon winner and Dr. LeRoy Walker, men's track and field head coach.

The NAIA's extensive participation in international competition and involvement in the Olympic and Pan American movement leads us to the conclusion that the United States cannot build a strong amateur sports program and amount its best effort in international competition with the power struggle that has been so obvious during the past two decades. The total effort has been damaged by our failure to freely and openly appoint the best personnel in all roles.

We strongly endorse the USOC as the Central Sports Authority, or over-all coordinating body for amateur and international sports.

The NAIA strongly favors a bill putting into law recommendations of the President's Commission on Olympic Sports and consonant with the USOC Constitution. S. 2727 and H.R. 12626, if enacted into law, should eliminate much of the controversy that has characterized the power struggle for control of the United States international sports effort. Working toward full implementation of the vertical structure recommended by the PCOS, and provided in the USOC Constitution and Bylaws, will minimize present and potential areas of conflict. H.R. 12626 tracks reasonably well with the PCOS recommendations and we offer strong, general support for this legislation. We see H.R. 12626 as setting forth a common meeting ground (the USOC) where differences between and among sports organizations can be worked out and where the United States amateur sports effort can be effectively coordinated.

The NAIA participated in all of the lengthy discussions preceding the recent and substantial restructuring of the USOC. We are well aware, therefore, that the USOC membership made sincere, conscientious efforts to carry out the recommendations of the PCOS in this thorough reorganization, while staying within those parameters that are basic to affiliation with the International Olympic Committee (IOC). The contributions and views of the USOC Athletes' Advisory Council are clearly reflected in the USOC restructuring. There is, we believe, a consensus among the athletes that their input into USOC reorganization was substantial and that athlete representation in the sports governing bodies (SGB) and the USOC is, at least, meaningful.

The thrust of any future modifications to H.R. 12626 should be consistent with the USOC Constitution and in concert with PCOS recommendations. Hopefully, these hearings will measure suggestions for modifications of H.R. 12626 in terms of the revised USOC Constitution and Bylaws and the PCOS recommendations.

It is our contention that institutions and the collegiate multi-sport governing bodies must retain reasonable control over their programs, both domestic and international, in order to permit them to serve the functions for which they were organized. Educational institutions and sport organizations should be required to permit their world class athletes to participate in all true national team "Under the Flag" international competition, including the Olympic and Pan American Games. However, sanctions for other international competition should take into account the nature and sponsorship of the competition, the athlete's educational program and academic progress, his/her institution's sports' schedules, and related factors considered to be of critical importance by the educational institution and the sport sponsoring organization. We believe that the school/collegiate multi-sport sponsoring organizations have received appropriate guarantees that the rule of reason will be applied to requirements generally pertaining to international competition. We believe that the many discussions among the representatives of the national governing bodies (NGB), the multi-sport organizations (NCAA, NAIA, AIAW, NJCAA, AAU, etc.), the USOC and Congressional leaders augurs well for the future of sports, both domestically and internationally. A new era of understanding has ensued. Hopefully, this will be reflected in this country's international sport representation and in expanded and improved domestic and development programs.

We are particularly pleased that H.R. 12626 permits the USOC President to go to court seeking an injunction against a sports governing body (SGB) that is not functioning properly or under the rules.

We feel that reasonable and realistic limits should apply in terms of the voting strength that any one organization can hold in a national governing body and that terms of office should be limited.

The NAIA, through its 31 District Chairmen, institutional presidents and Executive Committee, worked diligently to secure passage of S. 2727. The Annual Meeting of this Association and the official sessions of the NAIA Executive Committee support S. 2727 and H.R. 12626. We recognize the imperatives of this proposed legislation for coordination of our various athletic programs and for greater uniformity in athletic standards. H.R. 12626 will lay a new foundation for amateur sport and will:

(1) Enable the United States Olympic Committee to effectively serve as coordinating agency in the development of amateur athletic activity in this country and in promoting and supporting international competition. All matters pertaining to the Olympic and Pan American Games may be dealt with more expeditiously.

(2) Enhance the effectiveness of the national governing bodies (NGB) in developing breadth of participation and competitor excellence in their sport. The vertical structure assured in H.R. 12626 will enable in all organizations interested in a particular sport to work through the national governing body (NGB) in the development of a sport. Fragmented efforts have diminished our efforts in previous years.

(3) Provide adjudication procedures, using the American Arbitration Association, permitting expeditious and fair handling of disputes. Aggrieved parties are assured of the right of review.

(4) For the first time, provide athletes with an assured right to participate.

(5) Provide the much needed financial assistance to develop needed training centers, sports medicine cooperative efforts, and other programs designed to assure broad grass roots participation.

In retrospect, the failure in 1973 and 1974 of earlier bills that would have materially aided the then chaotic situation in amateur and international sport in the United States was probably a blessing in disguise. At best, these measures (e.g., H.R. 7197—Wright; H.R. 9177—Teague; H.R. 11242—Mathais) were incomplete. In H.R. 12626 we now have a piece of legislation based on the most comprehensive study of the nation's amateur and international sports participation (PCOS study and recommendations) and the careful restructuring of the USOC in accordance with the PCOS recommendations and the IOC requirements.

Through the years the NAIA has conducted serious efforts to serve as a unifying force in what has sometimes appeared to be organizational self interest in international sport administration and governance. H.R. 12626 provides the apparatus whereby all sport sponsoring organizations will now be required to act in the national interest. We applaud the efforts of Senator Culver, Stevens and Stone and Congressmen Michel, Kemp, Metcalfe and Mineta, and others, in introducing legislation designed to meet an urgent national need. The NAIA strongly endorses H.R. 12626, and prays that these hearings will provide the bases for the further strengthening of America's effort in domestic and international athletic competition.

Mr. DANIELSON. The next witness will be Miss Carole Mushier, president-elect, Association of Intercollegiate Athletics for Women. I would like to spend a lot of time with you, but just do the best you can. I really literally must leave in 5 minutes.

TESTIMONY OF CAROLE MUSHIER, PRESIDENT-ELECT, ASSOCIATION FOR INTERCOLLEGIATE ATHLETICS FOR WOMEN, ACCOMPANIED BY MARGOT POLIVY, COUNSEL

Ms. MUSHIER. You will understand if I fumble a bit.

Mr. DANIELSON. First of all, we will receive your entire statement in the record. Give me the highlights. Do you favor the bill?

Ms. MUSHIER. Yes, sir; we do. We favor it in its present form as written. We have one minor modification that we ask, and it appears on pages 5, 6, and 7 of our testimony.

I would like to introduce our counsel, Margot Polivy, of Washington, and we do have some concern, moving right to the issue, with a change in wording from "representative" to "from." It would impact adversely and in a much greater fashion than realized—

Mr. DANIELSON. Do you suppose you or your counsel would be good enough to send us a letter setting forth what your argument is on that particular point? She looks to me like she would love to spend the time writing a letter.

Ms. POLIVY. We would be pleased to write a letter.

Mr. DANIELSON. It would be helpful.

Ms. POLIVY. I think perhaps one sentence would indicate the direction we are thinking in, and that is if you change the definition of international amateur competition, which seems a simple thing, you literally change the entire meaning of the section that deals with what national governing bodies are authorized to do. Among other things, the section which appears in the bill as 203, I believe, says that in the exercise of their jurisdiction, they may select the teams. If you have a team from a university of the United States playing a team from a university in Mexico, for example, if you change the definition as Mr. Helmick has suggested, you would then be capable of claiming on the part of the national governing body—the national governing body would have the right to select that university team.

Mr. DANIELSON. That is correct. We are quarreling about jurisdiction.

Ms. POLIVY. It is subject to clarification, in the same way—

Mr. DANIELSON. You send us a letter.

Ms. POLIVY [continuing]. The amateur bill of rights was by the parties sitting down and coming up with a solution.

Mr. DANIELSON. We are not going to have that much time, because this Congress is going to adjourn the first week of October, and you cannot move legislation through this Congress much faster than between now and the first of October, I can assure you we are down to the homestretch, and we are not going to have time to sit around and confer on things.

That is one reason I am pressing so hard. Things have to move.

Ms. POLIVY. I think it is a little like a thread on a sweater. It seems small, but if you pull it, you pull the whole sweater.

Mr. DANIELSON. I thank you and wish you well and hope we report out something, if anything, that you can live with. Bless you.

[The prepared statement of Ms. Mushier follows:]

STATEMENT OF CAROLE MUSHIER, PRESIDENT-ELECT, ASSOCIATION FOR
INTERCOLLEGIATE ATHLETICS FOR WOMEN

The Association for Intercollegiate Athletics for Women (AIAW) is grateful for the opportunity to appear before this Subcommittee and to share its views on H.R. 12626.

AIAW was established in 1971 to encourage, regulate and govern women's intercollegiate athletics. In only seven years AIAW has become the largest collegiate athletic association in the country. It presently has 825 active member institutions and well over 100,000 participating athletes. In 1978-79, we will offer 18 national championships in 13 different sports.

Perhaps more important than either our size or the scope of our program is the fact that in many ways the principles upon which AIAW was established are the very same principles reflected in the Amateur Sports Act which you are considering today. AIAW's rules and policies are based upon the paramount principle that collegiate athletics are for the benefit of the student-athlete and her right to compete. Since its inception, AIAW has had a full scale appeals system under which any student-athlete precluded from AIAW competition may seek remedy of an alleged wrong or waiver of an existing rule. In the first seven months of 1977-78, the AIAW Ethics and Eligibility Committee, AIAW's regulatory committee, considered 211 requests for appeal or waiver and 132 were granted. In addition, we have required our member schools to provide notice and an opportunity for an impartial on campus hearing to any student whose financial aid based upon athletic ability is being prematurely terminated.

In 1975-76, AIAW revised its governing structure to include student representation on its sport committees, Appeals Board and Executive Board. We have found not only that student-athletes are a positive addition to these governing structures, but also that their presence encourages other members to consider more carefully the impact of their decisions on the individual student-athlete. In the face of pressing organizational problems it is sometimes easy to forget that the ultimate yardstick of any decision should be whether it enhances opportunity for the student-athlete and protects her welfare. To the extent possible, AIAW insists that student-athletes be treated like other students: that they neither be denied such privileges of other students as the right to transfer—exercised by 15% of all female undergraduates during their careers—and continue athletic participation, nor be accorded privileged status relieving them of the requirement of being full-time students making normal academic progress.

AIAW's growth is a reflection of the growth of women's athletics. Changing societal attitudes toward the role of women, our national emphasis on physical fitness and the enactment of Title IX of the Education Amendments of 1972, which requires schools to provide opportunity for girls and women in all aspects of education, including athletics, have combined to produce a remarkable increase in female participation.

Since 1971-72 female intercollegiate athletes have increased five-fold to over 100,000.

Female interscholastic athletes have increased six-fold to over 1.5 million.

Last year over 225 women ran in the Boston Marathon, a far cry from 1970 when race officials forcefully ejected Kathy Schweitzer from that event.

Media coverage of the phenomenal growth of women's athletics has focused attention on this revolution. Women's athletics have become fashionable—although still nowhere near equal.

On the intercollegiate level athletic budgets for women at our largest institutions are still only 10-15 percent of men's budgets.

Women's teams still often practice in the least desirable facilities at the least desirable times.

Amateur sports governing organizations continue to relegate women's programs to second class status in terms of financial support and governance voice. For example, the Amateur Basketball Association of The United States of America, the national governing body for basketball, just last week doubled AIAW's voting strength to one-half that of the NCAA although AIAW's 795 basketball programs exceed the total membership of the NCAA itself. The allocation of Olympic development funds, while being increased for women, is still inequitable.

And in media usage and common parlance there continue to be "athletes" and "women athletes."

AIAW strongly supported S. 2727. We believe it is another significant step in the recognition that athletic opportunity should be available to everyone—male and female. We believe that in most respects S. 2727 and H.R. 12626 represent an honest and positive effort to ensure the right of every athlete to compete and to meld a diverse, and sometimes chaotic, amateur sport structure into an effective vertical structure built upon the premise of cooperative multiplicity.

In considering H.R. 12626, this subcommittee is presented a rare legislative opportunity—to perfect a very good piece of legislation.

When AIAW's then President Peg Burke testified before the President's Commission on Olympic Sport in 1976, it was to protest the absence of any consideration of women's athletics in the Commission's preliminary report issued the previous year. At that time she noted:

"The amateur athletic system in this country has historically provided inadequately for the female athlete. We have developed a myriad of governing organizations which by design or circumstance have excluded women from the formulation of policy and purpose. And as competitors they have been denied the opportunity for public recognition, sometimes as blatantly as in the case of the women's shotput event in the 1975 AAU National Indoor Championships, which was held 15 minutes before spectators were allowed to enter Madison Square Garden. In short, women have historically been the invisible half of the population and this Commission's historic First Report continues the concealment."

The Commission's final report recognized the special problems faced by women in athletics resulting from a pervasive and historic pattern of discrimination. The Final Report noted the lack of organizational influence and authority of women in the established sport governing organizations and anticipated the salutary effects of Title IX on future athletic opportunities for women, it nevertheless failed to suggest legislative provisions to rectify this concededly improper situation. While the Final

Report represented real progress in the recognition of women as athletes, it left the matter of a remedy for their plight to the charity of established sports governing organizations.

In 1977, AIAW's President-elect Charlotte West appeared before the Senate Committee on Commerce, Science and Transportation to urge that S. 2036, the predecessor of S. 2727, be revised to require national sport governing bodies to support and encourage women's programs in their sports and to require those organizations to provide reasonable representation for women on their governing boards. S. 2727, as passed by the Senate, includes such provisions and, we believe, will ultimately help women in athletics to achieve more equitable treatment. However, S. 2727 also includes a provision whereby existing national sport governing bodies do not have to comply with the requirement of equitable governance allocation and other obligations for two years from the date of enactment.

We have learned from long and bitter experience that the lofty platitudes and good intentions of others are no substitute for the power to make decisions and policy. If equality for women is to be achieved in the broad spectrum of athletics, women must be afforded equal governance authority. In large measure the failure to afford equal opportunity to female athletes has been the result of the failure to afford women a significant and meaningful role in sport governance. Presently, only 1 of USOC's 15 officers and administrators is female and only 8 of the 60 members of the Executive Board are women. A closer examination of the organizational designation of those 8 women is even more illuminating of the fact that women are largely excluded from the decision making echelons of amateur sports—3 of the 8 women are designated by the Athletes Advisory Council rather than the national governing bodies themselves, and of the remaining 5, one is AIAW's representative and thus unlikely to be a man, while the others are all from the traditionally female sports enclave—Field Hockey, Roller Skating, Athletics and Synchronized Swimming. By these examples, we do not mean to imply that USOC is unusually bad—more accurately it is typical of the national sports governing bodies it represents.

While AIAW recognizes that major organizational changes, particularly those affecting basic decision making patterns, cannot be effectuated instantly, we do not believe an additional two year period should be afforded to national governing bodies before they are obligated to commence providing equitable governance. We have recently witnessed the abuse of a similar and frustrating transition period in the administration of Title IX, the education sex discrimination prohibition. In that instance, institutions were afforded a three year "adjustment period" to comply with the equal opportunity provisions relating to athletics. The "adjustment period" in practice was transmuted into a "grace period" and many institutions did not even commence compliance efforts until the eleventh hour. The adjustment period is to end on July 21, 1978 and in this week's Time magazine an HEW official is quoted as predicting what women in athletics already knew—"that practically no college or university will be in compliance [with Title IX] by July 21st." Thus the net effect of the Title IX adjustment period has been to delay the effect of a law passed by Congress in 1972 to somewhere beyond 1978. AIAW believes that the Title IX experience should not be repeated in H.R. 12626.

In order to avoid undue delay in effectuating the requirements for equitable treatment of women by national sport governing bodies, we urge the Congress to make clear that equitable support for women's programs and reasonable governance representation for women is an immediate obligation of all existing national governing bodies and all who seek to be recognized as national governing bodies. The burden of proof to demonstrate that up to two years is necessary to right past wrongs should be on the national governing body. We urge that Title II, Section 201(c)(1) be revised to make clear that immediate action is required, or alternatively, that the requirement of reasonable representation for women's programs be included in the duties of national governing bodies listed in Section 202.

This suggestion is wholly in keeping with the spirit of the Amateur Sports Act to maximize opportunities and democratize the sports governing process. It also has very practical implications in that the 1980 Moscow Olympics are less than two years away. If the United States is to field its best trained athletes—both male and female—national governing bodies must be encouraged and required to provide equitably for women athletes now. Retention of the two year grandfather provision may mean debilitating discrimination and deprivation for yet another generation of women athletes.

In all major respects, S. 2727 and H.R. 12626 represent a consensus of the views of virtually every major amateur sports organization. As with every consensus, no one organization's version of optimal legislative provisions prevailed. In our testimony

before the Senate Committee, AIAW strongly supported inclusion of a provision securing the unfettered right of an athlete to compete in international competition. The recently amended U.S. Olympic Committee Constitution recognizes and protects this right in virtually every major competition and qualifying event. We believe that that provision, sponsored by the Athletes Advisory Council, was instrumental in securing the reentry of the NCAA into the U.S.O.C., a necessary prerequisite for an harmonious amateur sports system. Those who would now urge a resurrection of the original athletes rights provision of S. 2036 would jeopardize the fruits of a fair and effective compromise which will better serve the amateur sports effort of this country than a return to the hostile environment of the very recent past. AIAW supports the retention of Section 114 of H.R. 12626 as presently written.

The President's Commission on Olympic Sport Report, S. 2727 and H.R. 12626 all seek the establishment of a vertical structure for each amateur sport. For such a concept to become a reality, every organization offering a substantial program in a given sport must be encouraged to participate in the national governing body for that sport. To create an environment in which national governing bodies attract such participation will require more than a legislative enactment—it will require an effort on the part of each national governing body to demonstrate that it seeks to perform the positive function of expeditor and coordinator. Each national governing body must demonstrate by deed that the power to sanction participation in international competition will be utilized fairly and not wielded as a weapon to undermine real or imagined organizational competitors. In reporting out H.R. 12626, this Committee could perform a significant service by articulating the concept implicitly embodied in Section 202(b) that it is the responsibility of a national governing body to grant sanctions for international competitions in every case where the standards of that section are met and that such standards must be applied consistently to all who seek a sanction.

The enactment of H.R. 12626 could represent a golden age for the development of amateur athletics in this country. AIAW supports H.R. 12626 and urges the minor modifications that we have already discussed.

Mr. DANIELSON. The National Association of Secondary School Principals, Dr. Scott Thomson, deputy executive director, who is appearing for Dr. Owen B. Kiernan, executive director.

[The information follows:]

**A SUMMARY OF THE NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS
TESTIMONY ON THE AMATEUR SPORTS ACT OF 1978—H.R. 12626**

Interscholastic Sports are a major component of the overall educational process. State and local education agencies and their administrators are solely responsible for, and thus should determine, the overall education plan for its students.

Quote from President's Commission on Olympic Sports Report indicating, "local people can best deal with local problems . . ."

Restricted competitions are outside the jurisdiction of the Act; however, caution should be taken that its purposes don't filter down into schools.

National Championships have no place in high school athletics.

NASSP applauds the establishment of a Sports Information Clearinghouse.

NASSP supports the principle objectives of H.R. 12626 but urges extreme caution to avoid any intrusion into the overall objectives of American education.

**STATEMENT OF DR. OWEN B. KIERNAN, EXECUTIVE DIRECTOR, NATIONAL
ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS**

Mr. Chairman and Members of the Committee, it is a pleasure to come before you this morning to represent 36,000 secondary school administrators. These men and women who serve in the public, private and parochial schools of the nation in turn have responsibilities for approximately 20 million students. Of course, any and all legislation affecting these youth is of great concern to our members. The legislation before you today, "The Amateur Sports Act of 1978" (H.R. 12626) on its surface may not appear to affect these youth. However, our concern lies not so much with the express language of the bill as it does with some of its implications. It is that concern that I hope to convey today.

First, let me say that wholesome athletic competition is recognized by our membership as a major component of the educational process. Sports competition contributes greatly to learning the meaning of teamwork, to knowing how to win and how to lose, to developing a spirit of competitiveness and desire for personal excel-

lence so vital in the transition to adulthood. Who would argue that a strong body and a strong mind don't belong together? Interscholastic competition also affords our youth the opportunity to meet youth from different backgrounds and with different experiences. In short, athletic competition enhances the physical and mental health of all who participate.

At the same time, NASSP believes that the overall character of our youth can best be developed by an appropriate mix of academic, social and physical activities. Any over-emphasis on one can only result in loss by another. The time and energies of our youth are, after all, not inexhaustible.

State and local governments are by law responsible for public education, and it therefore is at these levels that the appropriate mix of academic, social and physical activities should be determined.

NASSP agrees with the President's Commission on Olympic Sports report when it says, "Colleges and universities have chosen to give the power to determine whether a student athlete competes in a non-school competition to the NCAA Central Headquarters and its committees. The Commission finds this delegation of authority to be inconsistent with the notion, agreed to by most Americans, that local people can best deal with local problems. The Commission finds that college presidents, athletic directors, and an athlete's teachers and coaches are in a far better position to determine whether an athlete's participation in a non-school competition will materially interfere with his or her other academic, personal and athletic interests at the school * * *. In the case of high schools the situation is similar * * *. The Commission urges parents and guardians of student athletes to reassert their right to determine whether their child may compete in the Pan American Games or other international competition. In exercising this right, the Commission strongly recommends that the teacher(s), coach and principal participate in the parent's decision and that the state federation act in an advisory capacity only."

Local control of the educational process, including interscholastic athletics should not be by-passed.

Section 206 of Title II of the Act before you states that restricted competitions, such as high school and college interscholastic sports shall be outside the jurisdiction of H.R. 12636 or the USOC constitution. This language was included as a result of the Senate's deliberations at the behest of the National Federation of State High School Associations, and the NCAA, and we concur wholeheartedly. Our concern, however, is that the USOC's expanded powers, as stated in the bill's statement of purposes (Sec. 102), to "coordinate the development, financing and conduct of amateur athletic activity * * * and protect the rights of amateur athletes to participate in athletic competition" may filter down to the roots of U.S. athletic development—local high schools and their physical education and interscholastic athletic programs.

Another concern we wish to alert the Committee to regards the reference to national championships in Title II Section 203(5) of the bill. Its intent, of course, is to exempt high school amateur athletic competition from this section. Again, however, we are concerned lest implementation of this provision may, in time, come to affect high school competitions.

Already the National Federation has proposed sponsoring national championships for high school golf, track and field, and tennis. These tournaments could very well be held in June of 1979. It doesn't take too much foresight to envisage the camel's nose entering the tent. And, we are concerned that a proliferation of national competitions could lead to an erosion of the delicate balance between academic, social and physical activities in our schools.

We fully endorse that Section of H.R. 12626 that provides for the dissemination of sports medicine and safety information. Making available the most advanced techniques and methods is the best way to upgrade our youth's physical capabilities. At the same time, this information can benefit athletes who may never attain world class. It can afford all Americans the opportunity to attain their level of excellence and contribute greatly to the physical fitness of all.

In summary then, the NASSP fully supports the principal objectives of the Amateur Sports Act: the enhancement of athletic opportunity for all Americans, and the consequent improvement of the performance of American representatives in international competition. But we urge that the greatest caution be exercised by the Congress to assure that these fine objectives are not achieved at the expense of the overall objectives of American education, and its ultimate beneficiaries, the students who will be the leaders of the country tomorrow.

Thank you.

TESTIMONY OF DR. SCOTT THOMSON, DEPUTY EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS

Dr. THOMSON. Dr. Kiernan is in the People's Republic, so I am replacing him today. We support the legislation and are very pleased to have Congress make an attempt to organize something that has been somewhat of an embarrassment to much of the American public.

We do have one concern about the bill, however, and that involves the matter of national championships. We do believe that high school youths should have the opportunity as individuals to compete for national excellence in athletics, but we do not want schools to be sponsoring agencies or organizations in that competition for obvious reasons.

Mr. DANIELSON. Does the bill make your wish impossible?

Dr. THOMSON. The bill could be read or could be interpreted to include schools as sponsoring students for national competition. Section 203, page 28, speaks to the question or addresses the question of national competition.

Mr. DANIELSON. Mr. Kindness has that as one of his major concerns.

Am I not right, Mr. Coffey?

Mr. COFFEY. That is correct.

Mr. DANIELSON. Mr. Kindness is an extremely competent and meticulous lawyer. You have overheard me, Mr. Coffey, let him know that Dr. Thomson is gravely concerned.

You couldn't have a more careful guardian of your interest. I hope that will give you some comfort.

Dr. THOMSON. All right, Mr. Chairman. Thank you very much.

Mr. DANIELSON. Thank you.

One more. Mr. Joseph Peters, Real Sports, Inc.

You know, Mr. Peters, while you are coming forward, I don't know if you were present this morning, but your organization was lauded very generously by an earlier witness, so I want to say two-thirds of your presentation is taken care of. I am stretching things and going to stay 1 more minute. What do you have?

TESTIMONY OF JOSEPH PETERS, PRESIDENT, REAL SPORTS, INC.

Mr. PETERS. Let me say briefly something that concerns us that I think we just have to give some attention to it.

I am going to try to speed this two-page statement up. Recently the Senate passed a bill, S. 2727, which is the Amateur Athletic Act, which provides \$30 million on a one-time basis for the purpose of promoting amateur athletic activities in the United States. Although the bill has merit and deserves our support, it doesn't go far enough in insuring that black and minority men and women at least are stimulated to participate in all 32 Olympic sports, not just basketball, boxing, and track, and field.

Under the bill S. 2727, 80 percent of the \$30 million will go to the U.S. Olympic Committee and their sports governing bodies, and 20 percent to sports medicine. However, one of the primary reasons for the total omission of the black athlete in the winter games can

be traced to the failure of the USOC to live up to its purposes which under article 2, section 1, of its constitution states that the purpose of the corporation shall be: (1) To arouse and maintain the interest of the people of the United States in, and to obtain their support of, creditable and sportsmanlike participation and representation of the United States in all of the sports on the program of the Olympic games and Pan-American games; and (2) to stimulate the interest of the people, particularly the youth of the United States, in healthful, physical, moral, and cultural education through sportsmanlike participation in competitions in accordance with amateur rules.

In addition, the USOC has failed to apply pressure on its own sports governing bodies and their boards to stimulate and arouse the interest of black men and women athletes to participate in all sports.

Hence, we conclude that after 57 years of existence, the USOC and its sports governing bodies has only succeeded in stimulating black men and women to participate in boxing, basketball, and track, and field with the 29 other sports going unattended.

Mr. DANIELSON. Mr. Peters, I am sorry, but I don't have a choice. Your statement is received in its entirety in the record, and the subcommittee must stand adjourned, subject to the call of the Chair. I have no choice.

[The information follows:]

REAL SPORTS, INC.,
New York, N.Y., June 21, 1978.

COMMITTEE ON THE JUDICIARY,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: It is indeed gratifying to know that the Senate has taken steps in addressing itself to the plight of the Amateur Athlete by the recent passage of bill S. 2727. Although the concepts and intent of this bill has merit and deserves our support, it makes little or no attempt to address itself to one of our most serious problems facing the Olympic Games which is the total absence of Black and minority athletes in the history of the Winter Olympics Games as well as the omission of the Black athlete in the overwhelming majority of the Summer Olympic sports.

We firmly believe that in addition to teaching and improving the techniques of Judo, Archery, Canoeing or Cycling which S. 2727 does, the thirty million dollars provided for in this bill should have also included a major portion for the purpose of stimulating the interest in Black and minority men and women athletes to participate in all of the twenty-nine other olympic sports not just boxing, basketball, track and field.

Mr. Chairman, it is our position that before H.R. 12626 reaches the House for a vote, it should include an amendment for additional funds over a designated period to fulfill ours and America's goals which is to make these Olympic Games and those to follow truly games based on full opportunity for all its citizens.

Sincerely,

JOSEPH D. PETERS, *President.*

Enclosures.

REAL SPORTS, INC.,
New York, N.Y., June 21, 1978.

COMMITTEE ON THE JUDICIARY,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Recently the Senate passed bill S. 2727, the "Amateur Athletic Sports Act of 1978", which provides thirty million dollars on a one time basis for the purpose of promoting and coordinating amateur athletic activities in the United States. Although the bill has merit and deserves our support, it does not go far enough in ensuring that Black and minority men and women athletes are

stimulated to participate in all thirty-two Winter and Summer Olympic sports, not just Boxing, Basketball, and Track and Field.

Under bill S. 2727, 80% of the 30 million dollars would go to the United States Olympic Committee and their Sports Governing Bodies, and 20% to Sports Medicine. However, one of the primary reasons for the total omission of the Black athlete in the Winter Games can be traced to the failure of the USOC to live up to its purposes which under Article 2 Section 1 of its constitution states that the purpose of the corporation shall be:

(1) to arouse and maintain the interest of the people of the United States in, and to obtain their support of, creditable and sportsmanlike participation and representation of the United States in all of the sports on the program of the Olympic Games and Pan American Games; and

(2) to stimulate the interest of the people, particularly the youth of the United States, in healthful, physical, moral and cultural education through sportsmanlike participation in competitions in accordance with amateur rules.

In addition, the USOC has failed to apply pressure on its own Sports Governing Bodies and their Boards to stimulate and arouse the interest of Black men and women athletes to participate in all sports.

Hence, we conclude that after 57 years of existence, the USOC and its Sports Governing Bodies has only succeeded in stimulating Black men and women to participate in Boxing, Basketball, and Track and Field with the twenty-nine other sports going unattended. Therefore, we feel that Real Sports, Inc. (R.S.I.) should be supported in undertaking a national effort of arousing, stimulating and encouraging Black and minority participation in all of the Olympic sports from which they have been totally excluded as well as those sports where they have been underrepresented. We feel that such activities by R.S.I. will lead to Black and minority athletes competing at the Olympic level in most of the thirty-two Olympic sports by 1980 and all of those sports by 1984.

To achieve our objective R.S.I. will organize and coordinate the following: (1) Identify existing sports organizations at the high school, club and college level in a minimum of twelve to sixteen major cities; (2) Arrange seminars with coaches, club officials, sports organizations, and high school and college athletes three to four times a year outlining the qualification regulations of the USOC's Sports Governing Bodies; (3) Coordinate a national promotional campaign primarily aimed at the young minority athlete as well as develop a media plan which includes the full utilization of the major media, the existing minority print and electronic media, and ad agencies. Star athletes would also be requested to do public service announcements in the major cities; (4) Provide an extensive follow-up program with potential olympic-caliber athletes being channeled to the USOC Sports Governing Bodies; and (5) Serve as a clearinghouse for financial support for the training of athletes as outlined in S. 2727. It is our hope that with this effort, the most competent athlete, White or Black, will then represent us in the games. Upon consideration or acceptance of our position, R.S.I. will submit a proposal and budget in accordance with the guidelines set forth in H.R. 12626.

Finally, it is our position that before H.R. 12626 reaches the House for a vote, it should include an amendment for additional funds over a designated period to fulfill ours and America's goals which is to make these Olympic Games and those to follow truly games based on full opportunity for all its citizens.

Sincerely,

JOSEPH D. PETERS, *President.*

COX, LANGFORD & BROWN,
Washington, D.C., June 22, 1978.

HON. GEORGE E. DANIELSON,
*Chairman, Subcommittee on Administrative Law and Governmental Relations,
Committee on the Judiciary, Cannon House Office Building, Washington, D.C.*

DEAR CHAIRMAN DANIELSON: We appreciate the opportunity accorded the NCAA yesterday for the purpose of expressing its views on H.R. 12626. The essence of the NCAA testimony was, of course, that it does not oppose the passage of that bill.

During the proceedings which followed presentation of the NCAA testimony, the impression seemed to be created that while the NCAA was in support of passage of certain portions of the bill, it opposed passage of those aspects of the bill involving Federal financial assistance to amateur athletics.

I have since discussed this subject with both Mr. Maggard, who appeared before you yesterday, and with NCAA personnel in Kansas City. I have been asked to make clear for the record that the NCAA is not suggesting that H.R. 12626 be passed, without inclusion of the provisions involving Federal financial assistance. The USOC has taken the strong position that these funds are indispensable to

accomplishing the objectives of the bill, and we are not arguing that the USOC is incorrect in that conclusion.

While the NCAA and its membership has been traditionally and actively opposed to Federal activity in the area of amateur athletics, the NCAA also recognizes that the provisions of H.R. 12626 deal with a series of interrelated objectives. In particular, we do not dispute the USOC's position that the necessary reorganization of our international sports effort—involving as it does the establishment on a sound footing of autonomous, broadly representative national governing bodies—may well require the infusion of funds which, as a practical matter, simply may not be available short-term in the private sector.

As we noted in our testimony yesterday, moreover, we are not prepared to dispute the fact that there are certainly a number of so-called "minor" sports which, even if they are properly structured and efficiently operated, require "seed money" financial assistance, otherwise not readily available because of the lack of broad popularity and spectator appeal for these sports in the United States.

These essentially are USOC judgments and it is the USOC which is going to be the recipient of the Federal funds and the conditions which may be attached to said funds.

Finally, we recognize that in several sports, if financial assistance could be found to extend participation in these sports more broadly into segments of our society for which adequate sports facilities and programs are lacking, not only would there exist potential (1) for enhancing in the long term this country's performance in these sports at the international level, but in our judgment more importantly, (2) for providing broadened athletic participation opportunities to those of our young people who are badly in need of such activities.

Thus, even though the NCAA has stated on many occasions its reservations about the Federal Government's involvement in amateur athletics, we are not so intemperate as to suggest that the USOC be denied the opportunities afforded by H.R. 12626.

Because of these considerations, and because in our view the reorganization of the amateur sports structure is most important, the NCAA did not oppose S. 2727 in the Senate (even though it contained the same provisions related to Federal financial assistance), and indeed actively cooperated in achieving compromises on various points which we believe helped to bring about passage of the bill. So also, the NCAA is not now suggesting that H.R. 12626 should be passed without inclusion of the provisions contained therein relating to Federal financial assistance.

The NCAA requests that this letter be included in the record, so that the NCAA position on this point will be clarified.

Very truly yours,

MICHAEL SCOTT.

STATEMENT OF THE NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS

The National Federation of State High School Associations is grateful for the invitation to testify in person relative to its position on the Amateur Sports Act of 1978. However, the shortness of notice for and the tightness of scheduling during the Subcommittee hearings make it impossible for the National Federation to adequately prepare and present its position, inasmuch as it is the National Federation's custom to seek input from its constituency before speaking on behalf of it. In an effort to report current grass-roots attitudes toward the proposed legislation, the National Federation invited comment from interscholastic athletic administrators on the local and state levels; and the responses are incorporated in this statement. The National Federation appreciates the opportunity to make this statement a part of the complete record of testimony on the Amateur Sports Act of 1978.

If and when the sponsors of H.R. 12626 begin work sessions on the proposed legislation, the National Federation would be pleased to be involved as an active participant.

During hearings last October, representatives of the National Federation of State High School Associations described to the Senate Committee on Commerce, Science and Transportation the limits of acceptable Federal legislation in the area of domestic amateur sports administration. The oral testimony which the National Federation provided and the written statement it submitted are a matter of record and will not be repeated here.

Since October, the National Federation staff has been involved directly and through counsel in meetings which led to re-drafting Senate Bill 2727 into such form and substance that it was possible for the legislation to pass the Senate

virtually uncontested by amateur sports organizations, if not embraced warmly by them.

The National Federation was among those organizations which suspended opposition to Federal legislation addressing amateur athletics. The National Federation did so because S. 2727 attempts to accomplish two objectives which the National Federation urged in 1974 during hearings on S. 3500, in 1976 during hearings conducted by the President's Commission on Olympic Sports, and again during last October's hearings on S. 2036: namely, the establishment of performance criteria for national sports governing bodies and an efficient mechanism by which one organization can challenge another for the privilege of becoming the national governing body for a particular sport. S. 2727 accomplishes these objectives satisfactorily, and Senator Stevens and his staff are to be commended for their good work in this area:

The sponsors and supporters S. 2727 made several commitments to the National Federation which made it possible for the interscholastic community to rest its traditional and justifiable lobby against Federal legislation in the case of S. 2727. While each of those commitments is important to the National Federation membership, only three need to be made a part of the record at this time.

The first commitment is that the Amateur Sports Act of 1978, if passed, would not affect existing practices of schools which compete regularly against school teams of Canada or Mexico. Each year there are several hundred such competitions—both league and non-league, regular season contests—which are conducted without the sanction of either the National Federation of State High School Associations or the national governing bodies for the sports involved. The existing situation is that sanctions are not required by the national governing bodies; and the commitment to us is that this situation will be preserved.

In response to questioning on May 8, 1978, when he brought S. 2727 to the floor, Senator Stevens stated at least three times that the existing practices—i.e., no requirement of sanction—would be preserved by the legislation before us. That is an absolutely essential commitment to the National Federation membership.

A second commitment is that the Amateur Sports Act of 1978, if passed, would preserve the jurisdiction of the school community—schools, state high school associations and the National Federation—over interscholastic competition. This is understood to mean absolute and total jurisdiction. It is understood that the statements regarding the powers of the United States Olympic Committee are, to use the words of Senator Stevens on the Senate floor on May 8th, "philosophical comment." This commitment is also essential to the National Federation membership.

Fundamental to the national Federation's promise to refrain from active opposition to the Senate version of the Amateur Sports Act of 1978 was the condition that the wording and interpretations of the legislation not be changed. All who were involved in the delicate negotiations of the past few months, which culminated in a tolerable compromise, are aware that if any unauthorized changes were made in the words or meaning of the legislation, the compromise collapsed.

It was therefore with a sense of some frustration that the National Federation received news that S. 2727 was amended on the Senate floor without our being given the courtesy of prior advisement.

Amendment No. 1304—Section 212 of S. 2727 and H.R. 12626—seems innocuous by itself; but when placed in context with other provisions of the legislation, its implications are significant or at least not so insignificant that the sponsors and supporters of the bill could pass off the amendment as nonsubstantive.

Section 212 authorizes the Administrator of General Services to transfer excess real property to the U.S. Olympic Committee without compensation for the U.S.O.C. to administer in furtherance of amateur athletic activities. As we understand it, the need for the amendment was created because neither the U.S.O.C. nor the city of Colorado Springs could afford the \$900,000 cost of four acres of land among eleven other acres which the city had already procured for an Olympic training site.

It is difficult for us to understand why the same legislation which would allocate \$300 million to the U.S.O.C. would also provide the U.S.O.C. a \$900,000 parcel of government land free of charge because the U.S.O.C. could not afford to buy it. It is difficult to understand, that is, unless it is intended that the U.S.O.C. may eventually be given so much more excess government land on which to develop Olympic training centers that the U.S.O.C. could not possibly afford to buy it all.

Therein lies our objection to the Amendment. It opens the door to expansion of the U.S.O.C.'s decidedly elitist philosophy to such an extent that it may overwhelm the philosophies of the hundreds of youth, church, school and civic organizations which sponsor programs of amateur athletics with very different but no less important objectives than the U.S.O.C.

The National Federation membership has no objection to the U.S.O.C. dominating the direct selection and preparation of U.S. teams for the Pan American and Olympic games. However, the membership does not believe the establishment of the U.S.O.C. as the controlling force over domestic amateur sports is in keeping with the tradition or best future interests of the United States. And everybody involved in the compromise on S. 2727 knew this was and is the National Federation's position. They knew the National Federation made a significant contribution to the compromise by tolerating provisions which tend to set up the U.S.O.C. as a central sports authority for the United States and which provide Federal funds to the U.S.O.C. with which to further increase its authoritarian role. They knew that any changes in the bill related to the U.S.O.C.'s influence in domestic sports would be of critical interest to the National Federation membership.

Section 212, coupled with the other provisions, particularly Section 211, which authorizes the Department of Commerce to grant \$30 million to the U.S.O.C., may tip the balance of the compromise which was developed over the past few months and made passage of S. 2727 possible. The National Federation does not take commitments lightly. Promises are promises, whether made to the national Federation or by it; but the implications of S. 2727 may have changed. The scales may have been tipped; and the National Federation could very well consider itself free of its commitment to withhold active opposition to the Amateur Sports Act of 1978.

Moreover, the very fact that this amendment was introduced and passed without the National Federation's being informed, is of concern. What guarantee does the National Federation have that if it renews its commitment to not actively oppose the Amateur Sports Act of 1978, changes will not be made on the floor of the House or in conference committee? There are those among the leadership of state high school associations who feel the risks of last-minute, adverse changes are so great that it would be better to scuttle the bill now.

It is not possible to say at this time that the National Federation will or will not overlook what it feels is a transgression of a previous commitment and the worrisome implications of the amended Amateur Sports Act of 1978. We can promise that the National Federation membership, which gathers for its 59th Annual Meeting in 11 days, will be asked to address these concerns and formalize its position.

It is known some state association leaders will say that the implications of the legislation are not ominous. Others will contend they are real concerns and that the principle of trust with the sponsors has been violated. And there is sure to be a third camp, including educators from California, who will bring a different perspective to the discussion. This group, pointing to the taxpayer revolt which school people particularly have watched grow for a decade and which came of age with Proposition 13, will let it be known that they, and the high school athletic directors, coaches, students, and their parents they represent, want no part of supporting or even tolerating legislation which provides millions of taxpayers' dollars to support the U.S.O.C.

Their emotional argument will be difficult to counter. It will be difficult for the National Federation membership to justify passage of legislation which financially supports relative few, comparative elite athletes when many of the 20,400 schools represented by the National Federation do not have funds for great masses of average athletes. In fact, if it were known more widely that this Subcommittee is considering legislation that would give to the U.S.O.C. alone more than enough taxpayers' money to bail out every seriously financially troubled high school athletic program in the country or fund completely the interscholastic programs of 500 schools, this subcommittee would be deluged with calls and letters of outrage from the interscholastic community.

So, with this present message of caution, the National Federation concludes its present statement and reminds the sponsors of the National Federation's expectations of being involved in a more meaningful way in the future discussions on the House version of the Amateur Sports Act of 1978.

UNITED STATES YACHT RACING UNION,
June 15, 1978.

The Honorable PETER W. RODINO, Jr.,
Chairman, House Judiciary Committee, Washington, D.C.

DEAR CONGRESSMAN RODINO: We understand the Judiciary Committee will shortly hold hearings on H.R. 12626, The Amateur Sports Act of 1978.

We wish to register our full support for this bill. If passed and implemented, it will strengthen U.S. competitive ability throughout the international sports world.

Please include us in notices of hearing dates. Many thanks.

Sincerely,

RICHARD S. LATHEM, *President.*

[Whereupon, at 1:27 p.m., the subcommittee adjourned, to reconvene upon the call of the Chair.]

ADDITIONAL STATEMENTS FOR THE RECORD

STATEMENT OF KENNETH HURLEY, EXECUTIVE SECRETARY-TREASURER, AMERICAN BOWLING CONGRESS

Thank you, Mr. Chairman.

My name is Kenneth Hurley and I am the Executive Secretary-Treasurer of the American Bowling Congress, a membership organization made up of over four and one-half (4½) million weekly male league bowlers in the United States. I am testifying today on behalf of the sport of bowling including our sister organization, the Women's International Bowling Congress, which represents almost four and one-half (4½) million weekly women league bowlers.

Our sport is played in more than 8,500 bowling centers scattered across the country which provide the playing arenas for not only our nine (9) million weekly bowlers, but the fifty-five (55) million Americans who bowled casually as a family-oriented recreation sport each year.

Both the American Bowling Congress and the Women's International Bowling Congress conduct national tournaments capping each yearly season, which on the average draw more than 40,000 participants annually to each of our respective tournament sites. The fifty (50) states also conduct yearly championship tournaments plus a host of smaller city and regional competition is held in addition to the regular weekly league play enjoyed by our nine (9) million members.

This domestic competition is supplemented by international bowling activity primarily sponsored through the Federation Internationale des Quilleurs, an organization made up of bowling federations from more than fifty (50) nations worldwide. FIQ conducts world championships every four (4) years and, at the mid-point of the intervening years, conducts various zone competitions for zone championships.

In addition to FIQ there are several other international competitions in our sport including but not limited to the Tournament of the Americas and the World Cup. There are also on-going discussions of the possibility of a World Games sponsored by General Assembly of International Sports Federations which might include bowling competition.

With this background on our sport, I am here today to express our concern about the Amateur Sports Act of 1978, H.R. 12626 as presented to your subcommittee after passage in the Senate as S. 2727. We support its laudable goals of improving athletes' rights and the opportunity to participate equitably in the Olympic and Pan-American Games. However, we strongly believe that the regulatory scheme contained in the Act should be limited solely to those sports which are a part of the Olympic or Pan-American Games, as it is in these competitions at all their levels that the problems to which this legislation is addressed have arisen. I can tell you categorically that in our sport, this myriad of dissension; inequitable choice of team members; lack of funding; and internal bickering between competing agencies does not occur.

In our judgment, S. 2727 nee H.R. 12626 contains language which provides an invitation to a quasi-governmental agency for the extension of an unwarranted regulatory scheme to non-Olympic or non-Pan-American Games sports and the imposition of bureaucratic meddling in those sports wholly inconsistent with the intention of Congress and the expectations of the average taxpayer/sportsman in the United States.

While there are several ways to accomplish the limitation of this Act to its true intended scope of the Olympic and Pan-American Games sports, we would suggest the following amendments as perhaps the most clearcut:

(1) § 105(a)(1) be deleted in its entirety.

(2) § 105(a)(5) be amended to read "(5) facilitate, through orderly and effective administrative procedures, the resolution of conflicts or disputes involving any amateur athlete, coach, trainer, manager, administrator, official, national governing body, or amateur sports organization, *which arise in the course of participation qualifying such party for the Olympic or Pan-American Games;*"

(3) § 114 be amended as follows: "In its constitution and bylaws, the Corporation shall establish and maintain provisions for the swift and equitable resolution of disputes involving the opportunity of an amateur athlete, coach, trainer, manager, administrator, or official to participate in the Olympic [Games, the Pan-American

Games, world championship competition, and any other athletic competition which may be designated by the Corporation] or Pan-American Games."

We believe these proposed amendments would have no impact on the ability of the United States Olympic Committee or any other agency subsequently delegated the duties contained in H.R. 12626 to implement the objectives and purposes underlining the Act. These amendments or other specific, explicit limitations of the scope of this legislation made a part of this Act can only serve the interests of all sports organizations in our nation by clearly avoiding unanticipated and unwarranted expansion of the Act's provisions to non-Olympic or non-Pan-American Games sports at a later date contrary to the intention of the Congress and the state expectation of those who have testified before me at these hearings.

I believe my stated concerns fairly reflect our entire sport's wariness about governmental intrusion, either direct or indirect, into areas such as bowling and golf which do not display the very real problems found among many of the sports who have appeared before this subcommittee. We also believe that the resources of our government, based as they are on taxes paid by among others, our millions of members, should be carefully husbanded. Any expansion of the regulatory scheme of H.R. 12626 and the concomitant taxpayer burden necessary in order to apply that regulation to sports like bowling which do not need federal intervention would, we believe, exacerbate the already growing reaction to governmental taxing and spending afoot in the country today.

In conclusion, Mr. Chairman, we seek only the clear expression of what has been represented to sports like ours throughout the development of this legislation and its many variations—that S. 2727, now H.R. 12626 only applies to the sports which are part of the Olympic or Pan-American Games or which become a part of those competitions. We urge your committee's careful consideration of our suggested amendments and either I or the Washington, D.C. office of the National Bowling Council would be happy to work further with you and/or the subcommittee staff.

Thank you.

STATEMENT OF CONGRESSMAN JACK KEMP OF NEW YORK

I am pleased to appear before the House Judiciary Subcommittee on Administrative Law and Government to urge consideration and passage of H.R. 12626, the Amateur Athletic Act of 1978.

As an active sportsman, I have been an observer for many years of the incessant squabbling that has characterized our amateur sports and Olympic effort. As a result of this squabbling, athletes have been denied their right to compete in international competition for no apparent reason; organizations waste valuable time bickering with one another instead of allocating their resources to the development of our athletic talent at all skill levels; less than our best available athletes have represented the USA in international competition.

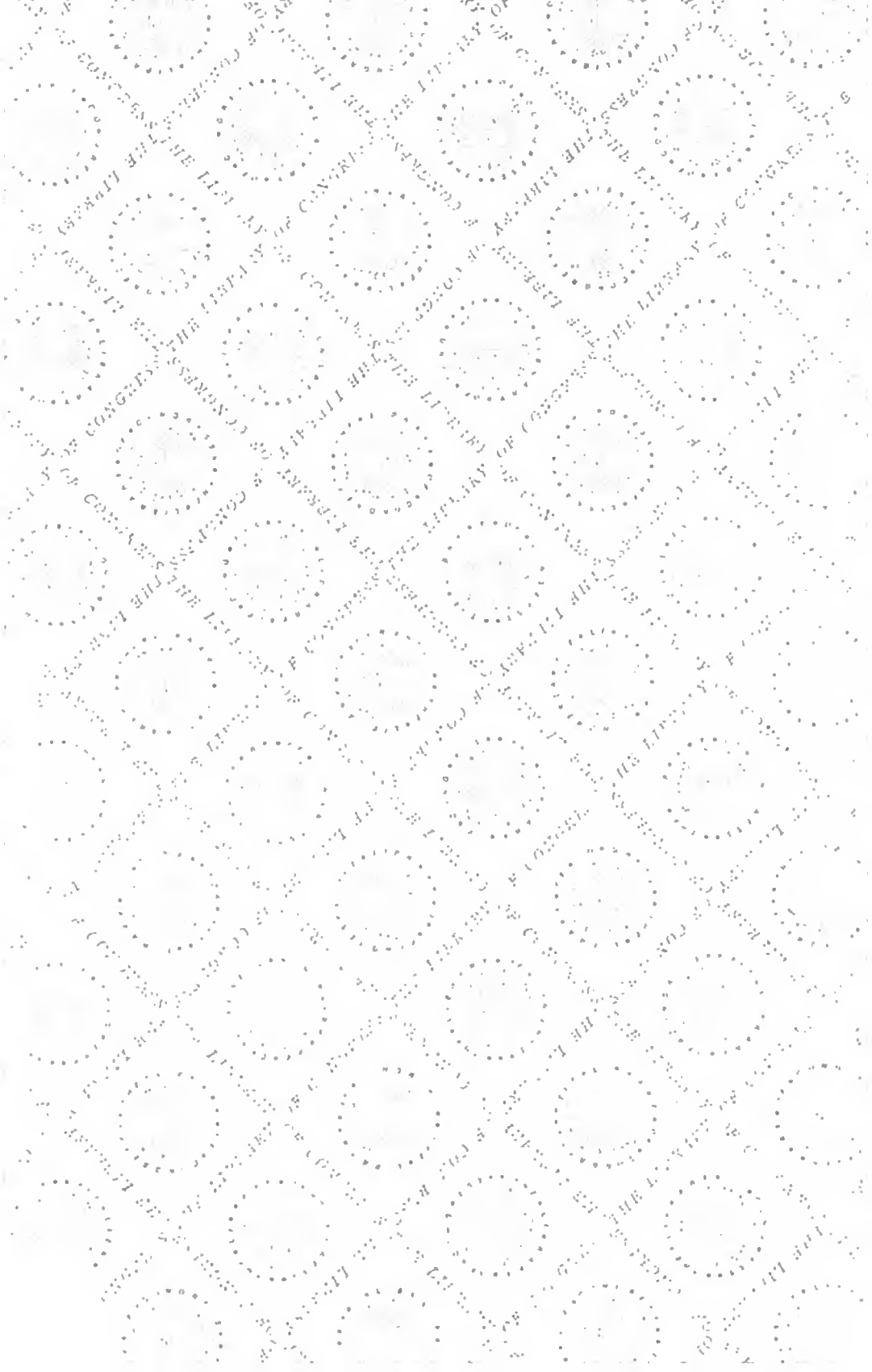
The President's Commission on Olympic Sports, on which each of us here today served, was designed to recommend an organizational plan that would solve the above problems. We did so and did it in a way that allowed for fair and equitable representation of all amateur sports organizations in the governance of U.S. amateur sports. We also did so in a way that completely minimized the role of the federal government.

The legislation you have before you is based on the Commission's recommendations. It is the product of many, many hours of work by the Commission and by the Senate Commerce Committee. I am hopeful that the bill can be enacted quickly.

Essentially, the bill broadens the USOC's federal charter to allow the USOC to serve as the coordinating body for U.S. amateur athletics. The bill also establishes criteria for national sports governing bodies and establishes a mechanism for the settlement of disputes that may arise. The bill also affirms the right of an individual athlete to compete in international competition. Finally, the bill authorizes 30 million dollars to be appropriated for use by the United States Olympic Committee in support of its operations, to finance the operation of Olympic training centers, to assist in the development of sports medicine and for other purposes. The authorization is a one-time, one-shot appropriation for these purposes and will serve to benefit amateur athletes in the U.S. at all skill levels.

For many years now, we have often seen amateur athletic organizations working at cross purposes. In addition to the work of the Commission and the Senate Commerce Committee, prominent men such as the late General Douglas MacArthur and Robert Kennedy, have attempted to solve the various jurisdictional disputes. The well-known labor arbitrator, Ted Kheel, commented that the disputes were more difficult to solve than those of the Teamsters. Never have we come closer to a solution than we are right now. Accordingly, I hope that this Committee will quickly push this landmark legislation through. The result will be profound changes for the betterment of amateur sports in America. Thank you.





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